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**Vol. III**  
**TRANSCRIPT OF RECORD** 469221  
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**Supreme Court of the United States**

**OCTOBER TERM, 1941**

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**No. 30**

DANIEL D. GLASSER, PETITIONER,

*vs.*

THE UNITED STATES OF AMERICA

**No. 31**

NORTON I. KRETSKE, PETITIONER,

*vs.*

THE UNITED STATES OF AMERICA

**No. 32**

ALFRED E. ROTH, PETITIONER,

*vs.*

THE UNITED STATES OF AMERICA

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ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT  
OF APPEALS FOR THE SEVENTH CIRCUIT

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**PETITIONS FOR CERTIORARI FILED FEBRUARY 28, 1941.**

**CERTIORARI GRANTED APRIL 7, 1941.**

IN THE  
**Supreme Court of the United States**

OCTOBER TERM, A. D. 1940.

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No. \_\_\_\_\_

DANIEL D. GLASSER,

*Petitioner,*

*vs.*

THE UNITED STATES OF AMERICA,

*Respondent.*

---

No. \_\_\_\_\_

NORTON I. KRETSKE,

*Petitioner,*

*vs.*

THE UNITED STATES OF AMERICA,

*Respondent.*

---

No. \_\_\_\_\_

ALFRED E. ROTH,

*Petitioner,*

*vs.*

THE UNITED STATES OF AMERICA,

*Respondent.*

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ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT  
OF APPEALS FOR THE SEVENTH CIRCUIT.

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BILL OF EXCEPTIONS

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IN THE  
**United States Circuit Court of Appeals**  
**For the Seventh Circuit**

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7315 THE UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
*vs.*  
DANIEL D. GLASSER,  
*Defendant-Appellant.*

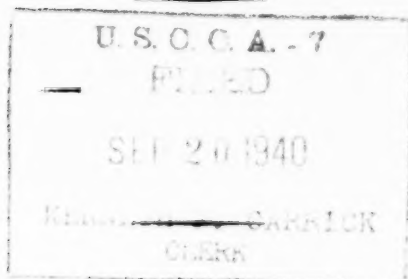
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7316 THE UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
*vs.*  
NORTON I. KRETSKE,  
*Defendant-Appellant.*

---

7317 THE UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
*vs.*  
ALFRED E. ROTH,  
*Defendant-Appellant.*

---



Appeal from the District Court of the United States for  
the Northern District of Illinois, Eastern Division.

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TRANSCRIPT OF RECORD FILED JUNE 28, 1940.  
PRINTED RECORD.

IN THE  
**United States Circuit Court of Appeals**  
**For the Seventh Circuit**

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7315 THE UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
*vs.*

DANIEL D. GLASSER,  
*Defendant-Appellant.*

---

7316 THE UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
*vs.*

NORTON I. KRETSKE,  
*Defendant-Appellant.*

---

7317 THE UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
*vs.*

ALFRED E. ROTH,  
*Defendant-Appellant.*

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Appeal from the District Court of the United States for  
the Northern District of Illinois, Eastern Division.

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STANLEY SLESUR, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My correct name is Stanley Slesur, at the present time I am confined in the United States Penitentiary from where I was brought to testify. I was sentenced April 4, 1939 for the Spring Grove still. I know the defendant Glasser, he is the prosecutor. I know Norton Kretske. I could not know exactly what year I first saw him. I have known Kaplan from 1935. I was also indicted for possessing a still and I had a co-defendant named Donaghue and O'Brien and Lincoln Rankin. I was sentenced to four years, and that sentence was to run concurrently with the five years I got down in Indiana, which I am now serving. I am now cleaning up the books. I know how to make a still and alcohol. I know how to fix it. I have been doing that a long time, I know many people in the business, and am pretty well known myself. I was convicted in 1931 right here in this court, I had some indictments pending against me in Chicago, before I was convicted in Indiana. I was indicted here first in 1937, for the Spring Grove still, then for the Wilmington still, then for the Downers Grove still. My cases were continued from time to time. At Spring Grove I was the mechanic to see that things went right. I constructed the still. I kind of supervised it. I was the inside man. I handled the alcohol. I had trouble out at Spring Grove, too many thieves. I had to keep on watching them. The Spring Grove still operated not quite two months, I didn't keep a record of how much money I made there. I got paid whatever was left. I got my share, if it was not left, I paid the wages out.

909 I know Victor Raubunas. I don't know Eddie Farber, I met Harry Dukett while I was in jail. Stanley Wasielewski he was my working man, he worked for me in the stills I was in. I was arrested on the Downers Grove still December 9, 1938, I put my bond in that case on January 4, 1939, Glasser represented the Government when I was indicted. The Downers Grove still was

discovered by the Government January 15, 1937, and the year after that I was indicted in that case. I never went over to Kretske's office.

Q. If you did, you would not tell us anyway, would you?

The Witness: I went over to the Tribune Building, I don't know exactly the date. I tried to sell my house, tried to advertise my house, to put an ad in. I talked to you in your office, I tell the same thing.

Q. You told me that from the witness stand, you would tell nothing other than the fact that you were convicted of stills, didn't you tell me that?

A. I plead guilty to every still.

Q. You had a conversation with me in my office, didn't you?

The Court: Answer yes or no.

A. Yes, I had a conversation with you.

Mr. Ward: Did you not in that conversation, say to me that you would tell all about every still you were connected with?

A. That is correct.

Q. But you would not say anything about Mr. Kretske or Mr. Glasser or anything else? Yes or no.

A. I don't know nothing about them.

Q. Did you say you would not say anything about them?

A. I said I don't know anything, I won't say anything about that. Ain't that correct, Mr. Ward?

Q. Didn't you tell me you wouldn't say anything about them?

Mr. Callaghan: I submit that question has been answered, Your Honor.

910 The Court: Answer that question, yes or no.

The Witness: A. Yes, I said that.

Mr. Ward: All right.

The Witness: I saw Kaplan at the Spring Grove still twice. I saw him on 16th street and on Roosevelt. Stanley Wasielewski went over to the Tribune Building with me, I ain't got no idea what day. It was in 1938. I recall that because I took him along to keep me company. I just wanted to put an ad in to maybe could sell my house. I had a house I wanted to sell at Willow Spring, Illinois. I would say that my home is fifteen miles from the Tribune Building. I have been all around

this county in an automobile. I have had men tail me away from stills. I have had police chase me. I didn't have a telephone in my house, there was none near my house. I put an ad in the paper. The Tribune wanted too much money, I didn't put the ad in that day, they wanted too much, they wanted \$8.00. I wanted \$6,000.00 for the house, it had a \$4,000.00 mortgage. I had a picture of the house. They wanted too much money for a picture that size in the Tribune.

Mr. Ward: Q. Did you talk to any real estate people about your house?

A. They wanted a hundred—I forget how many hundred dollars.

The Court: Listen, what we want here is the truth, and nothing but the truth. Do you understand that?

A. Yes, sir.

Q. If you testify falsely on this stand, it may be a much more serious offense than the one you are here on now. I want you to tell the truth, and nothing but the truth. If you went to the Tribune Building for some other purpose, say so.

The Court: I want to ask him a question. Did you go to the Tribune Building that day for the purpose of inserting an ad?

A. Yes, sir.

Q. You did?

911 A. Yes, sir.

The Witness: From the Tribune I decided I wouldn't put the ad in, and went home. At that time there were two indictments pending against me, Spring Grove and Wilmington. I can't remember now what Stanley Wasielewski did when I got to the Tribune Building. I parked my car in a parking lot on Dearborn Street. We put the car over there together.

The Court: We will take a recess at this time.

(Whereupon a recess was had.)

The Witness: Mr. Ward, I want to correct that sentence before recess. Judge, may I? I am sorry I want you to forgive me. He asked me about Kretske. I went to the Tribune Building with Speed, it was about the house to sell. Honestly, that's the truth. That is all. Now Mr. Ward, ask me the question about it.

I know Ralph Boguch. I knew his father long. He died. He worked in the Spring Grove still with me. I

was with Kaplan and Raubunas after Boguch was arrested in the Spring Grove still. I know Edward Dewes, I have known him as long as I know Kaplan. In 1936 October, I got a telephone call from Kaplan and then went over to his garage and met Victor Raubunas, Ed Dewes and Kaplan. They said they had a good spot at Spring Grove, they wanted me to look at, if I liked it. I went over to see it. About two weeks later, there was some talk about investing money in that place. I again met Kaplan, Raubunas and Dewes. They asked me what it would cost to put up a place. They did not have enough money. That conversation took place in Kaplan's garage or Joe Cole's tavern. They left the amount of cost up to me, that is Eddie Dewes, Victor Raubunas and Louis Kaplan. Later I met them at Joe Cole's, they said they got the place rented, that is Louis Kaplan, Victor Raubunas and Dewes. I could not remember exactly the amount of money mentioned. I did not know at that time that Raubunas and Dewes had a still on Western Avenue, I heard that later.

912 I gave orders to move in that Spring Grove.

Q. Do you recall anything being said about protection?

A. No, I don't remember about that.

Q. You know what I mean by protection, don't you?

A. Yes, sir, I do.

Q. Did Kaplan say anything at that meeting about protection in your presence?

A. Not in my presence.

The Witness: After that I met Kaplan in a soft drink parlor on 16th and Kedzie, it was after Spring Grove was raided, and I went back there and saw my working man.

Q. Were you present when Victor Raubunas gave Kaplan \$750.00?

A. No, sir, never saw it.

Q. If you were there, you never saw it?

A. I never saw it. I am telling you the truth.

The Witness: I was in Joe Cole's tavern after the raid with Victor, Dewes and Pregenzer. I said too bad we lost the place.

When I went to the Tribune Building to see Kretske it was about six months or so after I was indicted on the Spring Grove case. I talked to Kretske about trying to get a loan on my house, that is correct. Absolutely the

truth. That conversation took about fifteen minutes. He asked me how much I wanted for the house, he wrote it down on paper, he asked about my mortgage, I promised him a commission. I don't remember how much. I asked \$6,000.00. I gave him the picture, I went home from there. The next time I went to Mr. Kretske's office alone. I wanted to find out what he could do for my house. He had been trying to sell the house. Mr. Kretske said cash is hard to get right now, times are tough. But he asked if I wanted to exchange on some smaller property. I never said anything to Mr. Kretske about my trouble, and he didn't ask me. I never went back there. I didn't see him after that. That was in 1928. I never saw Dewes or 913 Raubunas at Kretske's office. I saw a young lawyer there, it was not this fellow Peter Passman.

The Court: Q. How long did you know Mr. Kretske before you first went to see your house?

A. How long?

Q. Before that day.

A. Oh, 1938.

Q. And you talked to him in regard to selling your home?

A. Yes.

Mr. Ward: Q. Is this the man you saw in Mr. Kretske's office?

A. No, never saw him.

Q. You never saw him there?

A. No.

Mr. Stewart: Let the record show—

Mr. Ward: What is his name?

A Voice: Peter Passman.

The Witness: I never saw him.

Mr. Ward: Q. Is H. L. Passman out there?

*Examination by the Court.*

The Court: We both can't talk at once.

Q. You stated now, that you called at Mr. Kretske's office in the Tribune Building with reference to the sale of your home, is that right?

A. Yes, sir.

Q. Or to obtain a loan?

A. Yes.

Q. You had a three thousand dollar loan at that time?

A. Four thousand dollars.

Q. What need of money did you have at that particular time?

A. I needed it for my business.

Q. Did you attempt to raise money on your home any other place before you went to Mr. Kretske's office?

A. A couple of real estates.

914 Q. What real estate office did you call on?

A. On 63rd street near Kedzie. I could not recall the name.

Q. Was Mr. Kretske in the real estate business? Was he operating a real estate office at the time you consulted him?

A. I don't know.

Q. But you went there for that purpose?

A. Yes.

Q. Did you go there to consult him as a lawyer or as a real estate salesman?

A. Well, yes, there was a couple of more fellows, a real estate man and lawyer.

Q. Did you go to see Mr. Kretske as a lawyer or real estate salesman?

A. I went to see that young fellow and somebody talked about my property at the same time, and I met Mr. Kretske.

Q. How did you happen to find yourself in Mr. Kretske's office?

A. How I find it?

Q. How did you happen to go to Mr. Kretske's office?

A. I was downstairs, and I don't remember that fellow's name, and got upstairs to see Mr. Kretske, they tell me to. I say, "What floor is he on", and that fellow, I don't know the name, Judge—

Q. You don't know his name?

A. No.

Q. And that is what you went up there for?

A. Yes, that is the truth.

The Court: All right, proceed.

The Witness: I saw Victor Raubunas in Kaplan's garage in 1937 ten or twelve times. I was the treasurer of the organization at Spring Grove. I got money whenever I sold the alcohol, I didn't keep it, I would pay it right out for sugar, cans, workmen, repair bills for trucks and cars and what was left I kept it to myself. I kept no



books. There was never a complaint. I gave Raubunas money, I gave Kaplan and Dewes and Boguch money. 915 Cole and Pregonzer helped themselves to a load of alcohol without my permission. They used to go in the joint in the day time and take it out. I did not give Cole any alcohol, he took the whole load that went to Detroit, without my permission. Maybe Kaplan gave him permission. My partners were Kaplan, Dewes and Raubunas. I was the boss out there, Kaplan was not authorized to give him a load of alcohol. After I was indicted, I paid the Inland Bonding Company for my bond, I paid it to Tony. I don't know him very long. I met him here in the Federal Building, nobody introduced me to him, the first time I met him was in 1937 when I had him put up the bond for Rankin and Boguch. Boguch told Kaplan in my presence that he was arrested in connection with removal proceedings in Montana. I didn't pay any attention because it was not my business. He worked for me but he was talking to Kaplan. I did not pay the money for the removal bond. I heard Louis say, "don't worry", that is all I can say about Louis. Louis whispered something and they went out. That is all I heard about Montana. That was before the Spring Grove still was raided. At Spring Grove I paid Boguch fifty a week and raised him to sixty and paid \$10.00 board for him. I paid Tony Horton 10% for the bond, I don't remember in dollars and cents how much it was. The first time I met Horton in Commissioner Walker's, I thought he was a real nice fellow. He asked me, "You got somebody", I said, "Yes, who are you?" He said "I am the bondsman." I said "Alright". I may have met him a little before that. I paid Horton for bonds for my working men and myself. It was 10% of whatever the bond was. Horton was never present at any time when I spoke to Kaplan.

Stanley Wasielewski was arrested in connection with the Downers Grove still. I talked to him about Kretske, he was with me when I went to his office. Wasielewski was in trouble a few months before that. I don't recall exactly the date, because I never thought I would have to go over these questions. I never kept it in my mind. 916 Wasielewski came over to my house when I got him out on bond. I don't know how long after Wasielewski was arrested it was that I talked to Kretske. I know Frank Hodorowicz, about five or six years. Sometime I

go to a still there. I was never in any stills with Frank Hodorowicz. I never went to Kretske's office with Frank Hodorowicz. I don't remember if I ever saw him in Kretske's office. I don't know William and Eddie Wroblewski. I was never in front of the Commissioner with Wasielewski. I may have met Tony Horton with Wasielewski in front of the Commissioner.

*Cross-Examination by Mr. Stewart.*

Mr. Stewart: Possibly we can agree on a record that will be furnished and look like this, "D. C. 31244". "In the Case D. C. 31244, United States *vs.* Stanley Slesur, Stanley Wasielewski, Chester Chiafalo, Carl Scaraglino, Bruno Pick, George Miller and Paul Kscazkiewicz. Slesur pleaded guilty on March 31, 1939 and Daniel Anderson was his lawyer and Mr. Glasser represented the Government. Slesur was sentenced to four years to run with two other cases. It was continued for disposition. In the meantime, Mr. Glasser went out of office and Mr. Ward represented the Government when the actual sentence was entered at that time. Wasielewski pleaded guilty and on December 5, 1939, was sentenced to two years. Mr. Ward was in charge of the Alcohol call. He had an order entered, "Cause stricken from docket with leave to reinstate, bond cancelled and surety released." Charles Bellows was representing Chiafalo and T. C. Tudor was representing Paul Kscazkiewicz."

Mr. Ward: That is correct.

Mr. Stewart: The last order in the case is December 5, 1939, which we call stricken from the docket with leave to reinstate.

The Witness: Charles Bellows represented Stanley Wasielewski, Chester Chiafalo and Carlo Scaraglino. Mr. Anderson represented me.

(Witness excused.)

917 STANLEY WASIELEWSKI, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is Stanley Wasielewski. At the present time I am an inmate at the penitentiary at Lewisturg, Pennsylvania. I was convicted of possessing a still in Terre Haute, Indiana, and here. I was a co-defendant of Stanley Slesur in the Downers Grove still. I was working there for Stanley Slesur, I was arrested in March, 1938 and taken to the new Post-Office Building. The next day I was brought to the United States Commissioner's office, where a bond was set. I don't know who signed the bond, Norton Kretske or Tony Horton. I don't know exactly who made arrangements for the bond, that day, because I hadn't seen anybody that day, but Stanley said he had everything arranged for my bond. I didn't pay anything for my bond. At that time I knew Norton Kretske maybe a year, maybe two. I had not seen him very often. I went to Kretske's office with Stanley Slesur twice. I did not talk to Mr. Kretske when I went to his office. I did not go in the office proper, I was in the other section of his office. Stanley walked in with Kretske, and he was talking with Kretske in his office, I don't know what conversation they had. I drove down-town with Stanley Slesur, from 47th and Rockwell and we parked in a lot around The Fair Store, after Slesur came out of Kretske's office, we left the building together. After Slesur came out of Kretske's office, we had a conversation, and drove home. I didn't hear anything that was said in the office, but when Stanley was going out he says to Kretske to take care of everything. And Kretske says "I will take care of everything between me and the red-head."

Q. Now at that time did you know Glasser?

A. No, I had just seen him.

Q. You didn't know him at that time?

918 A. No, sir.

The Witness: I seen him in the building, in the court, I don't remember if he was before the Commissioner or not. After I was indicted, I came to court about four times. My lawyer's name was Charles Bellows, I did not ask for a continuance. I saw Mr. Glasser there.

When I was sentenced to two years, it was after my conviction in Indiana, and you were in the court at that time.

*Cross-Examination by Mr. Stewart.*

I was caught in the still on the Downers Grove case, out in the yard. I had been working there about a week and a half, I was a plumber there, and then I drove a car in, I was putting up the still. It was just in operation a week and a half. Stanley Slesur was paying me. I knew that before I was arrested. I knew that when the agents arrested me. I didn't tell them about Stanley Slesur. I told them I was a plumber, and that I didn't know who the owners of the still were. I did that to protect my boss. I lied to them at the start but later maybe a month or two later I decided to tell the truth. I did not have a lawyer before the Commissioner, I had a lawyer when I plead not guilty. That was Charles Bellows.

When I was held over and then indicted, it did not look like my case was fixed. They prosecuted me and they didn't lay off of me or anything. I went up to Mr. Kretske's office with Stanley Slesur a few days after I was arrested, that was after I had my hearing at the Commissioner's. I don't know who arranged my bond. A few days after I made my bond I was up in Kretske's office with Slesur. I don't know whether Glasser was at the hearing before the Commissioner or not. When Stanley Slesur came walking out of the office with Kretske I heard Kretske say everything would be taken care of. Stanley was talking about—I don't know what Kretske was talking about to Stanley in the office, because I had not been in there. I was in another direction. When Stanley was leaving Kretske's office, I heard Kretske say, "I will take care of it with the red-head. Just don't worry about it."

919 I don't know what Kretske and Stanley were talking about, but Stanley was talking to me. He was going to see Kretske to see what he could do about the case. Kretske said about taking care of something with the red-head, the only thing I did that could be taken care of, was the arrest in Downers Grove, that was not taken care of very well, I was held over and indicted. I don't know what Stanley thought could be taken care of at that time. They had a case against him, he had three or four differ-

ent cases, but he lost in all of them. I never done no fixing.

*Redirect Examination by Mr. Ward.*

Q. Stanley, you didn't, when the prohibition agents came out there to the Downers Grove Still, you didn't stand up there, and when they came up, walk up and shake hands with them and congratulate them on arresting you, and say, "I am glad you arrested me"?

A. No, sir.

Q. And, "I am going to tell you all about this thing," you didn't say that, did you?

A. No, sir.

Q. And you don't know whether or not if the Commissioner was to discharge you, whether that is final as far as your case is concerned? You don't know anything about that, do you?

A. No, sir.

Q. And you didn't know that if you were discharged by the Commissioner, that the United States District Attorney could go in and present your case to the Grand Jury regardless of that, you didn't know that either, did you?

A. No, sir.

Mr. Stewart: Your Honor, where are we going to get at?

Mr. Ward: He takes the witness—

Mr. Stewart: No use wasting time on that.

The Court: What was that last question?

(Question read.)

The Court: It is overruled. He may answer.

920 Mr. Ward: You didn't know that either, did you?

And your case was pending for a considerable time, and you were never tried, were you, in this court, that is right, isn't it?

A. That is right.

(Witness excused.)

WILLIAM WROBLEWSKI, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is William Wroblewski, at present I am an inmate of the Penitentiary at Lewisburg. I was convicted here in the District Court at one time and also down in

Indiana. In April, 1937 I lived at 11026 Talman Avenue, my brother Edward is also confined in the Penitentiary with me. He was convicted down in Indiana. I know the defendant Roth since 1938 to 1939. He was my lawyer down in Indiana, my brother Edward and myself were in the same case.

On April 29, 1937 I was arrested by the Government for alcohol tax violation, and brought to this building. I was arrested at 10505 Wallace. I was in the garage unloading alcohol from the car at the time when the agents came in and arrested me. Edward lived there in the building in the front of the garage, his wife lived with him. When I was arrested Edward was not at that place. I had been using the garage there to store alcohol for two or three months. I had a 1936 Ford which I used in handling alcohol. I would drive the car in the garage, fill it and then drive away. I had been off and on in the business. I live at 120 E. 118th Place with my mother. I heard a still was found there but I didn't know anything about it. I heard after it was raided. I used to pick the alcohol that I stored in that garage at 26th and Western. The day I was arrested the agents took me to the Federal Building. I know Mr. Glasser to prosecute me at my trial.

Before that I never heard of him. When I was arrested, I gave the name of William Alfred Burba. The agents did not have any conversation with me about my brother. I don't know whether my brother was taken to Mr. Glasser's office. I was indicted in that case on June 24, 1937 and on October 8, 1937 I entered a plea of guilty before Judge Barnes. I was sentenced to four months by the judge. The judge sentenced me to three months and a \$500.00 fine.—Mr. Glasser asked probation for me, of the judge, the Judge said, "We will have the matter investigated, put it over a week." The Judge found that I had an alias, he was going to give me more time, and he just changed his mind, and he said I had to take the three months and pay a \$500.00 fine. Mr. Glasser was present, I served by time. I had been running alcohol about a year or a year and a half before that. I sold fifty cans a week. I worked on a margin of 50¢ or \$1.00 a can. My brother Eddie and I worked together, it was a partnership. I didn't pay the \$500.00 fine, I made an affidavit that I was a pauper. After I served my time, I was indicted in Indiana with my brother Eddie for the alcohol which was at the premises where I was arrested and received



the three months. I had never made any trips with alcohol to Indiana, I sold it to two fellows in Ohio, they called at my place and bought the alcohol. They were going through Indiana when they got picked up. I have a brother John, I think he was about eighteen years old in 1937. He is living with my mother at 120 E. 118th Street. I know Peter Hodorowicz, I don't know Walter Hort. I didn't know they had a still two doors away from my mother's. I didn't know my brother escaped out of there. A year or so after I came out of jail, I was indicted in Indiana. I was tried in January, 1939. Mr. Roth represented me at the trial. Alexander Campbell was the District Attorney. In April, 1938 we got a call that we should set ourselves up on bond, that we have a conspiracy case coming up in Indiana. Tony Horton made our bond. My brother made arrangements with Horton for the bond. I was convicted down there and sentenced to twenty months, Edward got a year and a day. I met Kretske once. It was at the time when I surrendered on August 1st.

Mr. Roth and Mr. Kretske picked me up, took me and 922 surrendered me in Indiana to the Marshal. I was taken there by automobile, Edward was already in Lewisburg, I had appealed my case. It was after the appeal was denied that Mr. Roth and Mr. Kretske took me to Indiana. I left them that day at the Marshal's office, that was the first time I ever met Kretske. I don't know whether my brother Eddie knew him or not. I don't believe I ever went to the Tribune Building at 7 S. Dearborn Street. I was in the Banker's Building, when I gave my statement to Mr. Devereux. The first time I ever met him was in a tavern at 117th and Michigan. I am going to be 30 years old. I know Tom Bailey. I met him for the first time in the same place. I remember visiting Roth's office in 1939, I was there a few times, but I wouldn't know just exactly what month. I talked to him on the telephone two or three times, and then visited his office. I wouldn't recall visiting his office in August, 1939. I spoke to Mr. Devereux and Mr. Bailey on August 3rd, at South Bend. When I appealed my case I was also on bond. After I was convicted in Indiana, I recall visiting and talking to Mr. Bailey. While I was out on my appeal bond, I recall being at the Alcohol Tax Unit with my brother and Mr. Bailey. At that time we made an appointment to meet at the Bankers Building a short time thereafter. I must have been at the Tax Unit talking to Mr. Bailey about a

half hour. I was supposed to meet him the same day at the Bankers Building. Mr. Bailey told us to meet him at the Federal Bureau of Investigation. I don't know what I was going there for, I was with my brother. Bailey wanted some kind of information, he wanted us to make a statement to Mr. Devereux. We did not go over there. We went to see Al Roth, our attorney. My brother talked to him, I didn't. Not in my presence. I was outside of Roth's office. My brother Edward remained talking to Roth about fifteen or twenty minutes. I remained outside the office at that time. When my brother came out, I talked to him about the case. We did not keep our appointment at the Federal Bureau of Investigation. I was in the court house at Hammond with Mr. Kretske. Just before I was going away Mr. Kretske said that I should keep still, but I didn't know what he meant by it. "Don't say anything." I don't believe I ever saw Kretske in Roth's office. I am not sure if I ever talked with him in Roth's office. I never talked to the man, never talked to Mr. Kretske in Mr. Roth's office before I went back to surrender myself. Every time I saw Roth I talked to him about my case. I never talked to Mr. Kretske. The only time I would remember meeting Mr. Kretske was while we were riding to Indiana. I don't recall at the present time that I ever met him.

Q. Well, now, would it refresh your recollection if I was to call your attention to a statement that you made to Mr. Devereux and Mr. Bailey on August 3, 1939, in which you said, "On one occasion while I was in Roth's office, he, Kretske, said to me if you had any cases fixed, don't talk about them, or you will get into more trouble." Do you remember that?

A. I don't believe it was Mr. Kretske.

Q. Who told you that?

A. Well, the way that come out, I went down to see Mr. Al. Roth, and I told him that I was having trouble with the law, and I said that the law is looking for some information from me, and Mr. Al. Roth told me if I gave information to anybody I would be implicated in the case.

Q. Was it he used the word "implicated"?

A. That is right.

Q. So that was an occasion when you were in Roth's office that Mr. Roth said that to you?

A. Yes, sir.

Q. Now, are you sure he didn't say: "If you had any



cases fixed, don't talk about them, or you will get into more trouble''? That he didn't use that language?

A. Well, I might have expressed myself that way at the time, but I recall now that the right way is implicated.

Q. Implicated?

A. Yes, sir.

924 The Witness: Mr. Roth told me that I would be implicated if I gave any information, that is all I remember. I may have seen Roth shortly before July 1938 because we were there a few times to talk things over about our case. My brother Edward took care of the fees. He took care of all that. I believe he paid Mr. Roth \$250.00 for handling the case in Indiana. I am pretty sure that is what he told me he paid. The trial in Indiana lasted one day. I never paid him any money. My brother took care of all that. If he paid out any more money he would tell me about it, and I would adjust my affairs, but he never told me anything. The wind-up is we still owe Al Roth \$250.00, so it must have been \$250.00 apiece, I wouldn't know really, because he handled all of that. The day I got arrested for possessing alcohol I had 150 gallons.

*Cross-Examination by Mr. Stewart.*

I had the automobile under the name of Burba, I had a record in connection with alcohol some time in 1932 or 1934. At that time I was arrested under my right name, Wroblewski. I had two reasons for giving the name Burba, one was to conceal my former arrest, and the other was to help protect my brother. I denied that I was the brother of the other man that was arrested under the name of Wroblewski. I did that just to protect myself and my brother. When the agents arrested me I didn't tell them I had been in the alcohol business more or less, for a year and a half. I was not innocent, I was caught with the stuff, I tried to make it appear that is the only stuff I had had anything to do with. You might say it was a lie. When I came up before Judge Barnes Mr. Joseph Bolton was my lawyer. I had nothing to say. I wouldn't recall that my lawyer asked for probation, I didn't tell the Judge that I had taken a false name in order to conceal my previous arrest and to protect my brother. I misrepresented myself before Judge Barnes. When the probation people investigated they found out

where I had misrepresented myself. Otherwise I might have gotten probation. That is the way it is.

925 I tried to get the \$500.00 to pay my fine, but was unable to do so. Mr. Bailey helped the Government in my case down in Indiana, he was down there working on my trial against me when I was convicted. I don't know if he knew that I was already convicted in this District for the same alcohol. After I was convicted and got my twenty months, Mr. Bailey came to see me. Mr. Bailey during his conversation with me, after I was convicted, did not tell me that he might be able to help me in the Circuit Court of Appeals, and that he was after Glasser and Kretske and that if I would stretch a point or two, he would help me. I told Mr. Bailey that I had never met either Glasser or Kretske. I told him that, I wouldn't recall that Bailey threatened me and my brother with a contempt action. He never said anything about having a third case that he might press against me if I didn't go along with him. I did not tell Roth all those things that you just asked me, my answer is I don't remember. Roth told me that I would be visited by Mr. Bailey, and these Government agents in the penitentiary with all sorts of propositions. I don't remember if I said, "Well, no use, because I am not going to lie for them, and I am not interested in any of their premises." My parole is supposed to come up this month.

*Redirect Examination by Mr. Ward.*

I know that a pauper's oath relieves me from being kept in jail on account of the fine, but does not relieve me from paying the fine. I did not tell Mr. Roth that I had taken a pauper's oath.

I never talked to you. You never promised me anything for testifying in this case.

*Recross Examination by Mr. Stewart.*

Mr. Bailey bothered me for a statement, he did not nearly drive me crazy. My wife's name is Eleanor, I know her handwriting.

Mr. Stewart: I am going to read to you this one paragraph in here. "I visited Willie and asked him if he had signed some statement for Bailey, and Willie said Bailey was after him so much and had bothered him so

much, he was forced to sign it. Willie said he would  
926 testify in court that Bailey about drove him crazy,  
bothering him to make a statement." Now, did you  
make that statement to your wife down there in the peni-  
tentiary?

A. My wife was never in the penitentiary.

The Witness: I told her I am going to make a state-  
ment, that I didn't say anything about being driven crazy  
at that time, and I didn't say anything about Bailey  
forcing me to sign a statement. She came down to visit  
me and I just let her know I signed a statement.

Q. And did you tell your wife that Mr. Bailey had been  
bothering you to make a statement?

A. Well, I told her that Mr. Bailey visited me a couple  
of times about giving a statement, which I did.

Q. Well, did you use the word "bothered" in describing  
visits?

A. No, sir.

Q. Now, do you want this Court and Jury to under-  
stand from your testimony concerning your appearance  
before Judge Barnes, that it was Mr. Glasser who first  
suggested to the Judge that you get probation, or was  
that your own lawyer that was trying to get it for you,  
and Mr. Glasser recommended or didn't object to it? Did  
your lawyer talk first on that subject?

A. Well, I wouldn't swear to it.

Q. You wouldn't swear to it. You know it is the usual  
practice for the prisoner's lawyer to ask first for pro-  
bation?

Mr. Ward: I object to that.

The Court: That is not the practice.

Mr. Stewart: Well, he probably wouldn't know very  
much about the usual practice, I will withdraw that, Your  
Honor.

The Court: All right.

Mr. Stewart: Q. Well, what is your memory on the  
subject as between your lawyer, Mr. Bolton, and Mr.

Glasser, what is your memory on the subject? If you  
927 say you don't remember, that can be your answer too,  
but give us your best recollection as to who it was be-  
tween Mr. Bolton and Mr. Glasser, who first brought  
up the subject of probation for you with the Judge?

A. I believe it was Mr. Glasser.

Q. That is your memory of it?

A. Yes, sir.

(Witness excused.)

PETER P. PASSMAN, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is Peter P. Passman, I live at 520 Stratford Place, I am an attorney since February, 1937, admitted to the bar of Illinois. I am not practicing law at the present. I am superintendent of the Mill Grove Lumber Company, 1201 S. Campbell Avenue. I know Norton I. Kretske. I met him for the first time about the middle of April, 1938, at his office, at 7 S. Dearborn Street, Room 1128, I went to visit with my cousin who was in the same office. Originally I became associated with my cousin and I came to know Mr. Kretske then through that procedure. I had no arrangements with him directly, whatever arrangements were made, were made between me and my cousin, H. L. Passman. While I was in that office, I performed some services for Mr. Kretske directly. I don't know when Kretske moved into the Tribune Building. I came over here to the building in some criminal cases. I do not recall a man named Adam Widzes. I never discussed that with H. L. Passman. I recall coming over to the United States Commissioner in the case of Walter Buchanec, Peter Macowitz, Joseph Netko, Herman David and Richard Clement. It was in November of 1938. I remember having been at the hearing but I do not have any recollection in detail of the hearing. I represented Netko and Macowitz. Kretske asked me to come over to the building. I came over and attended the hearing, and they were held to the District Court. I reported to Mr. Kretske what had happened. I do not know Mr. Glasser, 928 personally. I met him here at the building, I think I met him in that case. I recall he represented the Government. I know Roth. He was in that case, but I don't recall who he represented. I met Tony Horton. I don't remember if he was there or not. I made no arrangements to get Netko or Macowitz out on bond. I think I have seen Horton in Kretske's office a few times, I haven't any recollection of the time. Mr. Kretske would spend as much time in his office as any lawyer normally spends. I would say an average of about four or five hours a day. I was not employed by Kretske, I believe

we had an office arrangement. There were two offices in the suite and I had one. I think I recall having told him when I returned to the office that the men I went to represent, were bound over to the Grand Jury. Subsequently, I had a conversation with him about the matter, when the gentlemen were to have appeared for trial, there was a misunderstanding, as to the time that the case was set for. I don't know whether I filed my appearance in that case or not. I recall there was some misunderstanding, and the defendants did not appear in the morning, and their bond was forfeited. They thought they were to appear at 2:00 o'clock, and the case was set for 10:00 o'clock. I came over to the building with respect to having that forfeiture vacated. I didn't have any papers with me at all, the first time I came, I talked to you. I told you I was representing Netko, Buchanek, and Macowitz, and wanted to have that forfeiture vacated and set aside. You told me you thought there was some misunderstanding and that you would have no objection to it. You suggested that I draw up an order which you signed, and brought that down to the Judge, whom I believe was Judge Igoo, and he was preparing to go on a vacation at that time, and he would entertain it. I came back to your office and you said there was nothing more you could do about it. These are the photostatic copies of the petition and notice that I brought over at the time that I moved to vacate the forfeiture. I recall the petition being drawn up in my office.

Kretske was the Notary Public. I don't recall if I 929 brought it over to the Clerk's Office or not. Judge

Wilkerson vacated and set aside the forfeiture. I believe Mr. Horton was the bondsman in that case. Mr. Kretske suggested that I come over to see you about the forfeiture. I don't recall Mr. Horton being there at the time. I don't recall Mr. Horton's presence accompanying me to court. I have seen Mr. Balaban around the building. I don't believe he was present at that time. I did not talk to him about it. I took no part in the case from that time on. I don't know who represented Netko, Buchanec and Macowitz at the trial.

(Whereupon EXHIBITS 130, 131 and 132 were offered and received in evidence.)

(Witness excused.)

H. L. PASSMAN, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is H. L. Passman, I live at 3528 Rita, I am an attorney, I used to office with Norton Kretske at 7 S. Dearborn Street. I had space and paid rent. I was in the building, and he was looking for an office, and he suggested that I go in with him. At Mr. Kretske's request I appeared in the Beisner case. I kept no record of it, I appeared for the first hearing, I think that is the only appearance I had. I don't know what happened after that, I merely came over at the request of Mr. Kretske.

(Whereupon EXHIBIT 133 was offered and received in evidence.)

All I came over for on the case was for a continuance and I didn't familiarize myself with it. Kretske asked me to go over as I recall it, I think Harold Marovitz, the other lawyer, was representing two defendants, he thought there was going to be a continuance, and Kretske wanted me to go over and see what happened. I know who the defendant Glasser is, I have seen him in court,

he was in the Commissioner's office. Marovitz did some 930 talking, frankly it is not clear, what did happen there. I don't even remember what it was. It was just a few minutes, and there was a continuance. I talked to Glasser just a very few times. Glasser may have known I was from Kretske's office, I don't know, I wouldn't know, I didn't tell him. I came over on one other case, I don't remember the name of it.

(Witness excused.)

EDWARD WROBLEWSKI, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is Edward Wroblewski, I am a brother of William. My father's name is John. I am known by the name of Edward Sparrow, that is English for Wroblewski.



At the present time I am an inmate of Lewisburg Penitentiary. I was convicted in Indianapolis May 5, 1939. I was also convicted in the Northern District of Indiana. At the present time I am serving two sentences, and they are running concurrently. In 1937 I lived at 10505 S. Wallace. My brother was arrested at that place. I lived there with my family and had been there three and a half years. There was a garage in the rear, I did not have an automobile. My brother had a Ford Coach. I had a wife and two children. I had a tavern business at 11757 S. Michigan Avenue. I gave that tavern up in 1937 before my brother William was arrested, between the time I sold the tavern and the time of William's arrest, I was doing nothing. I had a few dollars saved up. I was not doing any business with my brother William at that time. I just remained inactive until I had used up the little money I got out of the tavern, then I sold a little alcohol. All the time I was inactive I was around the house, out in the garage. I saw my brother William around there about once a week. He came to the garage in his car. After the warrant I found out that he kept alcohol in there. I did not know that he kept alcohol in there. All the time I lived there William was using the garage. He paid something to my wife for it.

931 When my brother was arrested I had some colored spirits on which the tax had been paid in the basement. It was whiskey taken from bottles after I sold the tavern that I put into the five gallon jug, for my own use. I had it there at the time I sold the tavern. It was not there the day my brother was arrested. They left a note at home for me to appear the following morning at the Post-Office, I think the 9th floor, I am not sure. I was convicted in the Southern District of Indiana for conspiracy to sell alcohol. That alcohol was supposed to have been taken from the premises where I lived. Where William was arrested.

When I got down to Glasser's office, he asked me what was in the jug, and I told him, so he told me to go home. He said the next time you have anything like that, have stamps on the jug. I told him I couldn't have stamps on the jug, because the stamps were already on the bottles, and half of the bottles that were half full, I used for whiskey, and put it in the jug, he listened to me and said alright. There was four gallons of colored spirits and a half a gallon of uncolored spirits found in my base-

ment. I don't remember if he asked me about the uncolored spirits. I kept that in a separate container, it was gin I brought from the saloon. I don't remember if he asked me anything about my brother. I don't think he did. I went home and that was the end of that. The next thing I knew, I got indicted down in Indiana, Roth was my lawyer.

Q. How did you happen to hire Roth?

A. I don't remember how I got acquainted with Mr. Roth.

Q. Well, you lived out quite a ways from the Loop, did you not?

A. Yes, sir.

Q. How many miles?

A. About twelve miles.

Q. Do you know any lawyers in South Chicago?

A. No.

Q. And you can't tell us how you happened to get Mr. Roth?

A. I don't remember how I ever met Mr. Roth.

932

*Examination by the Court.*

Q. What is that?

A. I don't remember how I met Mr. Roth.

Q. How many lawyers have you hired in your lifetime?

A. Two.

Q. Who were they?

A. Three.

Q. Who were they?

A. Mr. Bolton, Mr. Roth and Mr. Gutsell.

Q. Did you hire Mr. Roth before you hired the other two?

A. After.

Q. After. Well, you must have some recollection of the circumstance concerning the employment of Mr. Roth; now, tell us about it.

A. I don't quite understand your question.

Q. You know something about how you happened to hire Mr. Roth, now tell us the story about it.

A. Well, I don't know, as I say, I don't remember how I got acquainted with Mr. Roth.

Q. How did you get acquainted with him?

A. I don't remember that.

Q. When did you first see him? Where did you first see him?



A. In his office.

Q. In his office?

A. Yes.

Q. How did you happen to go to his office?

A. I don't know.

Q. What is that?

A. I don't remember, Your Honor.

Q. When was this?

A. For this trial, in 1937, I think it was.

Q. In 1937?

933 A. Yes, sir.

Q. Did somebody take you to his office?

A. I don't remember.

Q. What is that?

A. I don't remember.

Q. How old are you?

A. 31.

Q. And what education have you had?

A. Two years high school.

Q. What is that?

A. Two years high school.

Q. And you don't want to tell us now, how you got to Mr. Roth's office?

A. Your Honor, I don't remember.

Q. Why don't you remember? Is there any reason why you should not remember?

A. No, no reason. I just don't remember.

Q. Did you brother take you up there?

A. I don't remember.

Q. How old are you now?

A. Past 31.

Q. How old is your brother?

A. 28.

Q. What is that?

A. 28.

Q. You are 31?

A. Yes, your Honor.

Q. Mr. Roth represented you in Indiana?

A. Yes, sir.

Q. For the trial?

A. Yes, sir.

Q. And at that time you were convicted?

A. Yes.

934 Q. In a trial before the Court and Jury?

A. Yes, your Honor.

Q. How much did you pay Mr. Roth?

A. \$250.00.

Q. \$250.00. And you don't know now how you got to his office?

A. I don't know now how I ever got acquainted.

Q. Nobody recommended him to you?

A. No, sir, I don't remember whether it was a rumor about his name.

Q. What is that?

A. A rumor. I don't remember how I met Mr. Roth.

*Direct Examination (Resumed) by Mr. Ward.*

Mr. Ward: Q. Talking again about your being in Mr. Glasser's office and talking to Mr. Glasser, did he ask you about that alcohol that was found in the garage?

A. Did Mr. Glasser ask me?

Q. Yes.

A. That I don't remember either, but the questions were asked of me in the Post Office by the Alcohol—

Q. I am speaking about the District Attorney's office.

A. I don't think so.

Q. How long were you in his office?

A. About five minutes.

Q. Do you recall that day?

A. I don't.

Q. Did he ask you how long you lived at the address?

A. I don't remember that either.

Q. Did he ask you if you knew William Burba?

A. He did not.

(Witness withdrawn.)

935 THOMAS BAILEY, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is Thomas Bailey, I am a special investigator, Alcohol Tax Unit. I entered the Government service in 1926. I am a retired army officer, with the rank of Lieutenant Colonel. I have been in Chicago since the 8th of May, 1937 for regular assignment here. I know all the defendants in this case.

In February, 1938 I had a conversation with Mr. Glasser at his office and at the County Jail. It was with reference to a case involving a number of men who had been convicted here, one of them was a man named Frank Brown. Mr. Glasser had prosecuted before Judge Woodward, and some convictions were obtained.

Q. Now, before going to the County Jail with Mr. Glasser, did you have a conversation with him; and if you did, state what he said and what you said.

A. I informed Mr. Glasser that a man by the name of Frank Brown, who had been convicted in this case, had sent me a letter and wanted to talk to me; that two days previously, I had gone to the County Jail to talk to Frank Brown and was not able to talk to him in private. I asked Mr. Glasser if he would arrange with the Marshal to have Brown brought over to his office, so both of us could question Brown on this particular still. Mr. Glasser then called the Marshal's office, and a short time later Mr. Brown was brought into Mr. Glasser's office.

Q. Prior, to that, did you go to the jail and talk to someone?

A. On February 21, 1938, I went to the County Jail and tried to talk to Frank Brown, and was there told I could not talk to Frank Brown in private, I would have to talk to him through the bars. I refused to do that and left the jail.

936 Q. Now, in this conversation with Mr. Glasser, did he mention anyone in particular that he was interested in?

A. In my conversation with Mr. Glasser, we discussed Nick Abosketes in connection with this particular still.

Q. What was said?

A. In talking to Mr. Glasser, I told him that Frank Brown had talked to me previously, and that I believe Brown would be able to connect Nick Abosketes with this still. Mr. Glasser said, "We will have him brought over right away."

Q. And was Frank Brown brought over to Mr. Glasser's office?

A. He was.

Q. Did a conversation take place between you, Brown and Glasser in his office?

A. Yes, sir.

Q. State the conversation, please.

A. I asked Mr. Brown,—I introduced Brown to Mr. Glasser. They had met before in the court room. They spoke to each other and I said to Mr. Glasser, "I believe Brown can give us some information about Nick Abosketes, if he will." Brown then asked what we could do for him, he asked if we could cut his sentence if he gave us information. I told him I had nothing to do with that. Mr. Glasser said he would not make him any promises. Brown said he would give us some information, but would not testify. I told Brown we wanted evidence, and not information. Brown said, "Well, it would be too dangerous for me to testify in the case." Mr. Glasser then asked Brown some questions pertaining to Nick Abosketes. Brown kept insisting on a promise if he gave information. We did not get anywhere with the conversation and Brown was returned to the County Jail on that occasion.

Q. Now, after Brown was returned to the County Jail, did you have a conversation with Mr. Glasser, in which Abosketes' name was mentioned?

937 A. Yes, sir.

Q. When and where?

A. After Brown was returned to the County Jail by the Marshal, or returned to the Marshal's office that day, Mr. Glasser said he would arrange to take a number of prisoners at the County Jail and would like me to go over there with him. On February 23rd—or the 25th, I think it was, Mr. Glasser called our office and the aid, Mr. Casserly notified me I was to meet Mr. Glasser at the County Jail about 1:00 o'clock. I went to the County Jail about 1:00 o'clock in the afternoon, and Mr. Glasser and his secretary, Miss McGarry, were at the County Jail. Mr. Glasser arranged with officials at the County Jail for us to talk to a number of prisoners connected in this case, in the infirmary at the County Jail. We went down to the infirmary and talked to about ten or twelve prisoners. Miss McGarry took their statements. The conversation was pertaining to Nick Abosketes' connection with this still.

Q. And was Mr. Glasser asking the different questions about Nick Abosketes?

A. He was, and I also did.

Q. Now, at the conclusion of that, where did you go?

A. At the conclusion of that interview, I returned to my office and Mr. Glasser and his secretary left the County Jail. I don't know where they went.

Q. Did you have any other conversation with Mr. Glasser or anyone else in Mr. Glasser's presence, regarding the Abosketes case?

A. I did.

Q. When and where?

A. On March 10, 1938, in Mr. Glasser's office. I again told Mr. Glasser I thought we ought to have Frank Brown brought over to his office. Mr. Glasser then called the Marshal and arranged for Brown to be brought to his office. Brown arrived a short time later in the morning.

After Brown arrived, I questioned him about Nick 938 Abosketes, and Mr. Glasser did. Brown again wanted promises that his sentence would be cut and I told him we could give no promises. Mr. Glasser said he would see what he could do. Brown then said that Nick Abosketes had gotten him to rent the farm where the still was seized, and Nick was to cut him in the profits.

Q. Did you make a memorandum of that conversation?

A. Yes, I did.

Q. When?

A. That evening, as soon as I got back to the office, I made a note in my diary.

Q. Did you have a further talk with Mr. Glasser about the Abosketes case after that?

A. No, after Frank Brown left Mr. Glasser's office on that occasion, Mr. Glasser then discussed with me what prisoners should be kept at the County Jail and who should be sent to the penitentiary. He said, "We will keep the prisoners that will be most apt to talk, and the others we will have sent to the penitentiary."

Q. How many was there?

A. I don't recall at this time.

Q. And that concludes what you know and what you had to say, and what Mr. Glasser had to say regarding the Abosketes' matter?

A. I never discussed the Abosketes case with Mr. Glasser after March 10th.

Mr. Ward: Your Honor, Mr. Bailey will be, of course, recalled to the stand to testify to other matters, so I—

The Court: That is all you want of him at this time?

Mr. Ward: That is all I want of him at this time.

Mr. Stewart: Your Honor has been ruling that I am limited to the direct. This is not in the Bill of Particulars and I am not prepared to cross examine on it; so if it is all

right with Your Honor, I will not cross examine at this time.

The Court: All right.

(Witness temporarily excused.)

939 WILLIAM M. BRANTMAN, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is William M. Brantman, I live at 40 E. Oak Street. I am a public accountant for twenty three years. I have been in the City of Chicago about thirty nine years. I know the defendant Kretske about thirteen or fourteen years. My office is at 10 South La Salle Street for about six years.

Q. Do you know a man by the name of Nick Abosketes?

A. I knew him as Nick. I don't recall his last name, that might be it. I saw him in your office within the last few days.

I first met Nick Abosketes at the Bismarck Hotel in Chicago in 1938.

Q. How did you happen to meet him?

A. I was introduced to him by a friend, a party I knew as George. Once in a while he called himself Jasper.

The Witness: Some time later Nick visited my office. It was a month or two later. I saw him in Detroit two or three times. I saw him in Chicago, I met him once in Milwaukee, and once in Waukegan.

Q. How did you happen to meet him in those places?

A. He made the appointment himself.

Q. When and where?

A. Either by phoning my office or sending word to me.

Q. After you made these appointments, you kept them, did you, with him?

A. I did.

Q. What did you talk about?

Mr. Stewart: I object, your Honor.

Mr. Ward: Generally, without mentioning the conversation.

Mr. Stewart: I object. That is the same thing.

The Court: Overruled.

940 Q. Did you talk about the weather, or the war, or what?

A. We talked about himself, that he thought he was in difficulty, and expected to be in other difficulties.

Mr. Stewart: Just a moment. I object to that, Your Honor.

Mr. Ward: Q. Now after you have these conversations with him, did he visit your office?

A. Yes.

Q. When was that?

A. I can't remember the exact date. It was in between the periods of February and April.

The Witness: Exhibit 134 is a receipt for some money. It bears my signature. It is dated April 19, 1938, and is in my handwriting.

Q. You received this of Nick Abosketes?

Mr. Stewart: Just a moment. I object to his reading it until it is in evidence.

Mr. Ward: I am asking him a question. Was it received of Nick Abosketes on account of services—

Mr. Stewart: Just a moment.

The Court: Are you offering it in evidence?

Mr. Ward: I am offering it in evidence.

Mr. Stewart: May I see it?

Mr. Ward: Yes, there it is.

Mr. Stewart: Well, there is nothing to show it is material here, Your Honor. It is a receipt.

Mr. Ward: I will show that it is.

The Court: It may be received under the condition you will tie it up with something.

Mr. Ward: I will do that.

(Whereupon the document so offered was received in evidence as EXHIBIT NO. 134.)

941 Mr. Ward: Q. (Reading.) "Received of Nick Abosketes on account of services, the sum of \$3,000. Signed William M. Brantman, 10 South La Salle Street." Is that right?

The Witness: A. I rendered no services. It was just placed with me in escrow.

Mr. Stewart: Just a moment.

The Court: What is that?

The Witness: A. I rendered no services. It was just placed with me in escrow.

Mr. Ward: He rendered no services. It was just placed with him in escrow.



Q. Do you recall the day that money was paid to you?

A. According to the receipt, it was April 19, 1938.

Q. Where did you receive that \$3,000. from Nick Abosketes?

A. In my office.

Q. Now, do you recall Nick being in your office,—Abosketes?

A. Yes, sir.

Q. You recall him paying you that \$3,000., do you?

A. Yes.

Q. Where did he get that \$3,000. from before he paid it to you? I mean, in your presence, what did you see him do?

A. He took it out of his pocket and some out of his shoe.

Q. What were the denominations of the bills?

A. I believe they were one hundred dollar bills, and perhaps some other denominations.

Q. Now, after you received this three thousand dollars from Nick Abosketes, who did you give it to?

A. I held it.

Q. How long?

A. Probably thirty or forty days.

Q. And then did you give it to someone?

A. I thought the man might change his mind and want it back.

Mr. Stewart: I move to strike what he thought, Your Honor.

942 The Court: He said he held it for thirty days.

Mr. Ward: Q. Did you give it to someone?

A. I did.

Q. Who?

A. I gave it to Mr. Kretske.

Q. Norton I. Kretske, the defendant in this case?

A. Yes.

Q. Now, you have talked to Mr. Kretske about that?

A. Yes, I talked to him, I took him to be his representative.

Q. Where did you talk to him?

A. I don't know whether it was at his office or my office. I assumed he was going to be the attorney for the man.

Q. Did Nick ask you to hire an attorney for him?

A. I don't know what the conversation was, I don't recall. He stated so many things, I did not try to remember his conversations.

Q. You had a conversation with Mr. Kretske before you turned that money over to him, didn't you?

A. I might have, I occasionally would run into the man.

Q. How did you happen to turn it over to Mr. Kretske?

A. I don't know, I think he might have been designated by Nick as someone to represent him in his matters.

Q. Do you recall having any conversation about that?

A. I probably did, I don't recall they were.

The Court: Q. How much of the three thousand dollars did you turn over to the defendant, Mr. Kretske?

A. I turned it all over. I was just holding it as an escrow.

The Court: Was there anything given to you later for your services?

A. No.

Q. By anyone else?

A. No, I was just holding it in escrow.

Q. Not by Mr. Kretske or anyone else?

A. No.

Mr. Ward: Q. Now, when you talked further to Mr.

Kretske,—did you have any further conversation about 943 any additional amounts?

A. I think there was some conversation, I don't know whether it was with Mr. Kretske or Nick, it was about a total of \$5,000. altogether.

Q. Do you recall having any further conversations with Mr. Kretske about the additional two thousand dollars?

A. I might have mentioned it to him, the sum, that Nick said he had no more money, that he was not as wealthy as people thought he was.

Q. Nick said that to Mr. Kretske?

A. No.

Q. I am speaking about the conversation with Mr. Kretske.

A. I might have passed that remark on to him, I don't remember.

Q. Was anything said at all about the balance of two thousand dollars?

A. I might have said that is all I got. That is all the man could put in escrow.

Q. You gave Mr. Kretske the \$3,000. and mentioned about the balance of the \$2,000.?

A. Yes.

Q. What did you have to say to Mr. Kretske about that additional two thousand dollars?

A. I don't definitely remember.

The Court: Q. What is that?

A. I don't definitely remember.

Q. What is your best recollection?

A. It seemed the man could not put up more than \$3,000.

Mr. Ward: I am speaking about your conversation with Mr. Kretske.

The Court: He is trying to tell you. Go ahead.

The Witness: A. I might have remarked to Mr. Kretske that the man could not put up the other two thousand dollars.

Mr. Ward: Q. Now, after you paid Mr. Kretske the three thousand dollars, did this conversation regarding 944 the two thousand dollars take place, or was it at some time that you paid him—at the same time you paid him the three thousand dollars?

A. I don't remember. It is hard to recollect where and how my conversations were with the parties.

Q. Did Nick request that receipt from you when he gave you the money?

A. Yes, sir.

Q. Now, after you talked to Mr. Kretske about the additional two thousand dollars, did you have any conversation with Nick Abosketes about it.

A. I might have on one other occasion.

The Witness: I have visited Waukesha, Wisconsin many times. I believe I run into Nick one day, not by appointment, purely by accident. I was there taking the baths and the man drove up from Milwaukee. I might have exchanged the compliments of the day. I believe it was after I had given the \$3000. to Kretske.

### *Examination by the Court.*

Q. I am interested in how you happened to meet Nick Abosketes for the first time.

A. I met him at the Bismarck Hotel, I was introduced to him.

Q. Was that by appointment at your request?

A. No, another individual.

Q. Who?

A. A fellow by the name of George.

Q. What is his occupation?

A. I don't know. I met him around different night clubs, and was introduced to him. This man wanted my business card and I gave it to him. I never had any business dealings with him.

Q. How did you happen to be there at that time?

A. This man might have made an appointment to meet me.

Q. For what purpose?

A. To meet the man and talk over his business with  
945 him. I thought it might be in my line of business.

Q. You were an accountant at that time?

A. Yes, and I still am.

*Direct Examination (Resumed) by Mr. Ward.*

I was standing in the lobby and this man by the name of George walked up to me. I had met George before, about a year and a half before. That was not with Nick, he told me he had an appointment with him. The man called me up and asked me to be there at a certain hour, which was in the afternoon. I was in my office when he made the appointment. We probably visited a half or three quarters of an hour.

Q. When you got through talking with him, did you know or did you expect that any person by the name of Nick Abosketes was going to call at your office?

A. No, sir.

Q. When was the first time you heard Nick Abosketes' name mentioned to you, and who mentioned it?

A. This fellow George mentioned Nick to me. I did not get the man's last name until about the time of making the receipt or thereabouts.

Q. What was George's last name?

A. I don't know his last name.

Q. How many times had he been to your office?

A. Oh, probably half a dozen times.

Q. Did you ever ask his last name?

A. I might have and he said, "It is all right, call me George."

Q. When was the last time that you saw Nick Abosketes before yesterday?

A. The late summer of 1938.

Q. And where?

A. I believe in Chicago.

Q. Now, this man George, when he would come to your office, would it be with reference to some business deal?  
946 A. He visited several times when he was only just coming in to chat.

Q. What did he talk about, the weather, baseball, or what?

A. He was trying to get some business for me in my line, my profession.

Q. He was trying to get some business for you in your accounting work?

A. Yes, sir.

Q. Do you know Ralph Capone?

A. I do.

The Witness: I judge George's nationality to be Italian. He was about five foot seven or eight. When he visited my office he was visiting about things in general and we talked about business conditions. He was a general visitor. He was still furthering and continuing my acquaintance. In my work as an accountant in 1937 and 1938 I frequently had to visit this building.

Q. You frequently had occasion to visit the District Attorney's office?

A. Yes, sir.

Q. In reference to tax matters?

A. That is right.

Q. That would be on the 8th floor?

A. Yes.

Q. Do you know Mr. Glasser?

A. No, sir.

Q. Did you ever see him before the time you got this money?

A. I have seen him, I think I might have been introduced to the man once, but I don't think it was before I got that money.

Q. You never had any conversation with him in any event?

A. No, sir.

Q. What?

A. No, sir.

947 Q. How long after you got that money was it that you first talked to Mr. Kretske, or when did you first talk to Mr. Kretske after you got that money?

A. I don't know, I might have talked to him before. I know I talked to him afterwards. I would run into the man occasionally,—not by appointment.

Q. What did you say to him before you got the money?

A. He might have approached me and told me he was out in private practice himself, and if I knew of any business in his legal profession, to keep him in mind.

Q. You think he said that, do you?

A. Yes, sir.

Q. Did you make a memorandum of that?

A. I did not have to make any, I knew the man in a business way.

Q. When you got this three thousand dollars,—you say it is very frequent that you handle matters with lawyers?

A. Yes, sir.

Q. That was to be an escrow agreement, is that right?

A. That is right.

Q. Were the terms of the agreement discussed?

A. No.

Q. Did you know how long you were to hold it?

A. There was no specified time and no terms of the agreement. I did not know the facts in the case.

Q. Why did you hold it thirty days?

A. As a matter of precaution. If the man wanted his money back, if he did not request it in thirty days, I knew he was satisfied and I could transfer the money.

Q. All the time you held it, did you know what you held it for?

A. No.

Q. Where did you keep it?

A. I kept it in the vault.

Q. Now then, you turned it over to Mr. Kretske?

948 A. Yes.

Q. That was at the conclusion of thirty days?

A. Yes.

Q. Did you talk to anyone before you turned it over to Mr. Kretske, or at the conclusion of the thirty days? How did you happen to go over and give it to Mr. Kretske?

A. There was some conversation.

Q. With whom?

A. Through Nick and through others, that this man was to represent him as an attorney in Chicago.

Q. Nick said that?

A. Yes.

*Examination by the Court.*

Q. What matters did he have in Chicago at that time?

A. I don't know, he was anticipating some difficulty?

Q. What difficulty?

A. As I gathered later, he was handling alcohol or some illicit operation.

A. The 20th or 22nd of February.

Q. What was he leaving the money with you for Mr. Kretske for? Was there some understanding with you?

A. There was no understanding with me. I was to be the escrow holder. I knew nothing of the deal. I had never been with the two gentlemen in their discussions, if there were discussions. I had always met Nick by himself or with George; and when I talked to Mr. Kretske it was by himself.

*Direct Examination (Resumed) by Mr. Ward.*

Q. Did Mr. Kretske ever tell you there was an indictment pending against Nick in Chicago?

A. I don't remember that.

Q. What is that?

A. I don't remember that.

Q. Did you know there were some matters pending? Did Mr. Kretske tell you there were some matters pending, or that somebody was due to be indicted?

A. I think Nick mentioned that.

Mr. Stewart: I move to strike that, Your Honor. That would be conversation out of the presence of any of the defendants.

The Court: It may be stricken for the time being.

Mr. Ward: Q. Now, you had a conversation with Mr. Kretske, you discussed being paid something out of that money, didn't you?

A. Well, I was running back and forth as the thing carried on.

Q. You were running back and forth where?

A. On appointments with Nick.

Q. Where?

A. In Chicago, and I made one in Milwaukee.

Q. Where in Chicago?

A. Once or twice at the office and once at the hotel.

Q. You said you were running back and forth.

A. That is just an expression.

Q. Some appointments in Chicago?

A. No.

Q. Where?

A. At different times, I had appointments with Nick at his request, his calling me.



*Examination by the Court.*

I met him at the Bismarck Hotel, on one occasion he called me and asked me to meet him in Chicago, it might have been before the three thousand dollars was paid to me.

*Direct Examination (Resumed) by Mr. Ward.*

Q. Did Mr. Kretske ever ask you whether you ever got the two thousand dollars to pay him?

950 A. I don't remember, I might have stated to him when I turned the money over, about that two thousand dollars.

Q. To refresh your recollection, have you forgotten since last night, that you talked about this matter?

A. No.

Q. Do you recall answering this question: "Q. Did Mr. Kretske ever ask you if you ever got the two thousand dollars to pay him?" Do you remember that last night?

A. I might have, I am trying to recall. I said I talked to him about that difference.

Q. What did you say about the balance?

A. Nick stated to me, he stated he did not have the money he thought he had, and he did not have the two thousand dollars.

Mr. Stewart: Just a moment. Will you allow me to interrupt?

Mr. Ward: Certainly.

Mr. Stewart: Your Honor, when Mr. Ward put these convicts on, I did not object, but I knew your Honor would rule that possibly they would be a little reluctant. Here he hasn't a reluctant witness—

The Court: The last two answers indicate he is a little reluctant. Objection overruled.

Mr. Ward: Q. Did you go up to Wisconsin and try to get that other two thousand dollars from Nick Abosketes?

A. I went up to Wisconsin by an appointment made by Nick. He called me and I met him there.

Q. Was that about the two thousand dollars?

A. No, he had different things in mind and wanted me to visit round with him. I met him at the hotel there. He was busy going about, talking to gentlemen, to differ-

ent ones. The conversation might have come up about that balance.

Q. Well, you say it might have come up. What makes you say that?

A. I don't know, I don't know when, where or how. I have talked to Nick about the balance of the money, I am trying to recall. He did not have it. It is not definite in my memory because it meant nothing to me. I did not run after the man, trying to make him do those things.

*Examination by the Court.*

Q. You did all those things without compensation?

A. Yes. I thought I might get a fee after they made out the escrow.

Q. From whom?

A. I thought the attorney.

Q. Did you have any understanding about what compensation you might receive for the three thousand dollars or the two thousand dollars?

A. Not then. There was possibly some mention afterwards that I might be compensated for it.

Q. And you received no compensation whatever for handling that matter?

A. No.

Q. No part of that three thousand dollars?

A. No.

Q. No sum was ever paid to you by Mr. Kretske or anybody else?

A. No.

*Direct Examination (Resumed) by Mr. Ward.*

Q. Didn't Mr. Kretske tell you to get the five thousand dollars?

A. I don't know, he might have said the work was worth that.

Q. Do you recall a long conversation last night in the District Attorney's office?

A. I might recall some of it. They asked many questions.

Q. Do you recall Mr. Devereux asking: "Q. Didn't

Mr. Kretske tell you to get five thousand dollars from Nick? A. Yes, sir." Do you recall that?

952 Mr. Stewart: May I object? He has no right to bring before this Jury what was said in the District Attorney's office.

The Court: Objection overruled.

Q. Do you remember that question?

A. I remember that question. I am trying to recall the conversation.

The Witness: I do recall a figure of that kind, how emphatic it was I don't know. That is my signature. That is true. He did talk to me about the five thousand dollars. When I paid the three thousand he might have mentioned, "Is the man going to pay the other two thousand." I repeated the man's exact words, that he has no funds, did not have the money people thought he had. I never tried to contact Nick Abosketes to get the balance of the five thousand dollars. I never went to Wisconsin and tried to contact Nick Abosketes. He always made the appointments. Nick always contacted me, I did not contact him. When he contacted me I said, "I understand there is a balance to be paid." He said "I don't have the funds and can't pay." That balance was to be paid to the attorney for representing him. I was going to give it to Kretske. All these conversations that I had and all this activity was between the first of January, 1938, and it might be the fall of the year 1938. Prior to this transaction with Mr. Kretske, I did not have any other business dealings with him.

*Examination by the Court.*

Q. I would like to know a little more about this escrow agreement. Did you have any talk with Mr. Kretske about what services he was to perform for this money he received from Nick Abosketes?

A. No, sir, he was just to represent the man, and for any matters coming up in Chicago or pending in Chicago, he was to be his attorney and represent him.

Q. Was there any reason why he was to get that amount of money? Was anything said to Mr. Kretske?

A. I would not know.

953 Q. As to why that money was not paid directly to him?

A. No, sir. I don't know what the reason was, except perhaps, that man Nick—

Q. What condition was to be performed before you turned over the money?

A. No conditions by anyone. There was no agreement how or where. I was to hold that money.

Q. If it was in escrow, it was to be paid over on condition or something having been done?

A. There were no agreements, nothing outlined with me by the parties.

*Direct Examination (Resumed) by Mr. Ward.*

When Nick Abosketes came into my office and there was some mention of an escrow agreement, I knew that money was to go to Mr. Kretske. I also knew that Kretske had an office, and where it was. I might have made an appointment with him. I say I might have because I met the man different times on the street, I met him in public places and have run into the man. He came to my office once or twice. I got the three thousand dollars and put it in the vault in my office. I kept it in the vault in my office all the time. My telephone number in 1937 and 1938 was Dearborn 2508.

Q. Do you know a man by the name of Ed Wroblewski?

A. No.

Q. Did anybody ever call you in your office, naming Ed Wroblewski?

Mr. Stewart: I object to that.

Mr. Ward: Q. Did anybody ever call you and say they were Ed Wroblewski?

Mr. Stewart: May I have a ruling, Your Honor?

The Court: Objection overruled.

A. I don't remember.

954 Mr. Ward: Q. Do you know a man by the name of Ed Sparrow?

Mr. Stewart: I object, Your Honor.

The Witness: A. No.

The Witness: I know Albina Zarrattini. I became acquainted with her about two and a half years ago, when someone sent her to my office. She said some friends of hers asked her to come in and see me. It was a matter she had with the immigration department on citizenship. I don't recall the name of the party who sent her. She

mentioned that someone sent her, that is the way I accepted her. She stated her case. I was not admitted to practice before the immigration board. I am admitted to practice before the Treasury Department. I might have written letters regarding immigration matters, to find out the status of clients. She visited me a dozen times, with home problems, household problems, or the purchase of a building.

Q. Did she ever talk about being in liquor trouble?

A. Yes.

Mr. Stewart: I object, Your Honor. That is conversation with people we don't have anything to do with.

The Court: Objection overruled for the time being.

Mr. Stewart: Your Honor, as your Honor know, this is not even mentioned in the indictment and not in the Bill of Particulars. In view of the fact that your Honor appointed me for Mr. Kretske, I am not prepared to cross-examine. May I postpone it until some other time?

The Court: Yes you may.

(Witness temporarily excused.)

NICK ABOSKETES, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is Nick Abosketes, I am 50 years old, at the present time I am an inmate in the Federal Penitentiary Camp in Idaho. I was convicted in Superior, Wisconsin 955 consin before Judge Stone, presiding in this trial.

In 1937 and 1938 and prior thereto I was selling sugar. To a certain extent I had something to do with a still in Illinois. I guess it was in McHenry County, maybe it was the Murdock Farm. I don't remember when the still was operating there. I know Frank Brown and George Stassus were two of the boys that were convicted in that case. In January, February and March, 1938 I was living in Waupon, Wisconsin. I lived there until the time of my conviction. I was never indicted with reference to any still in the Northern District of Illinois. I know a man by the name of William Brantman. I met him in February 1938 right after the trial they had for this still in Illinois.

Q. In February of 1938?

The Witness: I met him at the Bismarck Hotel. There was another man by the name of George. I had seen him several times. The first time I met George was about that time. I met him just once. I do not recall where.

Q. Now before you met George, how did you happen to come to Chicago?

A. This Mr. Brantman called me that I should go to Chicago.

The Court: Who called you?

A. Brantman.

Q. Mr. Brantman?

A. Yes.

Mr. Ward: Where were you at?

A. The Plankinton Hotel, Milwaukee.

Q. How long after that conversation did you come to Chicago?

A. The next day.

Q. Did you see Mr. Brantman?

A. I did.

The Witness: I met Brantman at the Bismarck Hotel, and from there we went up to his office at 10 S. La Salle Street. He explained to me, I am going to be in 956 trouble in this District.

Q. He said you were going to be in trouble in this District?

Mr. Stewart: Your Honor, I object to conversation between these people outside the presence of any defendant. May I be heard on that a moment? It evidently is going to be coming up right along.

The Court: Yes.

Mr. Stewart: I want to ask for the privilege of postponing the cross-examination. I had no opportunity to talk to Mr. Kretske. He is going to take the stand and deny getting \$3,000.

(Whereupon argument and proposed testimony and objections to it were heard by the Court outside the presence of the Jury.)

The Court: I think we will hear the testimony of this witness before the Jury. Bring the Jury in.

Mr. Stewart: The record shows our objection. Your Honor said our record might be preserved and I will not need to make any further objections.

The Court: No.

Mr. Balaban: The very objection to the evidence sought

to be adduced here is it is in the nature of hearsay, made out of the presence of the defendants.

Mr. Poust: And for the further reason, this is not mentioned in the Bill of Particulars.

The Court: Let the record show those objections are made for and on behalf of all defendants.

(Whereupon the following proceedings were had in the presence of the Jury.)

*Examination by the Court.*

I met Brantman for the first time in the Bismarck Hotel. I received a telephone call from somebody representing themselves to be Mr. Brantman, while I was in the Plankinton Hotel. That call came from Chicago, and I went to Chicago, and met Brantman, a fellow by the name of George, was with him at the time. From there I went to Brantman's office at 10 S. La Salle Street, in Chicago.

*Direct Examination by Mr. Word.*

Q. What was said by Mr. Brantman to you in his office?

A. Well, he is always telling me I will be in trouble, I will be indicted in this District here, and he had it very good, he had his information, from a fellow who knows all about it. It was the first time he told me. I did not pay much attention, I listened to the man about an hour and went back to Milwaukee. Later he called me again.

*Examination (Resumed) by the Court.*

Q. What did he say to you about why he believed you might be involved in this still?

A. At that time, twelve fellows had a trial and Mr. Brantman told me they had testimony, and in the beginning I was interested in the still.

Q. Did he tell you why?

A. The next meeting, he told me Frank Brown—

Q. Tell everything he said about this matter at the first meeting.

A. Well, we talked about it and he thought it takes five thousand dollars. I returned to Milwaukee and later



about a week, I come back again the last part of February. When I got back again, he said Frank Brown broke down and talked all he knows, like I did hire Brown and sent him down to Illinois to get that farm and put in that still. He said, "They have the goods on you, Mr. Glasser has got it out of Brown." So I talk to him some more and did not know whether to believe it or not, but was much convinced. Mr. Brantman after that left for Hot Springs, Arkansas.

Q. You say you were convinced. Up to that time, did you know that Brown was the man? You had hired Brown to rent this farm?

A. Yes, sir. Then when he was gone, he returned and called me and said I was going to be indicted, "Better come through"; so I brought that money and give to him and got the receipt.

958 *Direct Examination (Resumed) by Mr. Ward.*

Q. Is No. 134 the receipt you got from Mr. Brantman?

A. Yes, sir.

Q. Now, what was said about the receipt? What was said about that?

A. I asked him if I should have receipt and he said, "All right if you want one, I will let you have it." So he made receipt and gave me. I was supposed to give two thousand dollars more at later date.

*Examination (Resumed) by the Court.*

Q. Did he tell you what he was going to do with that money?

A. He was to pay it out to stop the indictment.

Q. Did he tell you who he was paying it to?

A. That I don't know, I did not go that far.

Mr. Ward: Q. I think I asked whether you were indicted in the Northern District of Illinois, and I think you said no.

The Court: What is the fact? Was he or not?

Mr. Ward: He was not.

The Court: Q. These meetings you had were some time during the month of February, 1938?

A. Yes, sir, March and sometime in April, too.

Q. This receipt is dated April 19th, 1938?

A. Yes.

- Q. That was when?  
A. When he returned from Arkansas.  
Q. That was when you paid the money to Brantman?  
A. Yes.  
Mr. Ward: Q. Now, when did you go to prison, Nick?  
A. January 3, 1939.  
Q. 1939, and you were sentenced when?  
A. First time?  
Q. When did you plead guilty?  
A. I was sentenced the 26th day of September, 1938.  
959 Q. And this all happened prior to that time?  
A. Yes.  
Q. All about Brantman?  
A. Oh, yes.  
Q. In 1937, did you have occasion to be in and around Waupun?  
A. Yes, it was my home there.  
Q. How long did you live at Waupun?  
A. About ten years.  
Q. That is Waupun, Wisconsin?  
A. Yes.  
Q. What is the population of that town, if you know, approximately?  
A. About four thousand.  
Q. Do you know the chief of police up there?  
A. Yes, I do.  
Q. In 1937 and 1938, what was his name?  
A. Tezloff.  
Q. Did you have a conversation with him at any time before coming to Chicago?  
A. With who?  
Q. With the chief?  
A. No, I never talk with the chief.  
Q. Well, did you know that Mr. Glasser was looking for you up there?  
A. He asked somebody when he was up there, somebody tell him if I was in town.  
Q. Who asked about you?  
A. Mr. Glasser.

*Cross-Examination by Mr. Stewart.*

I know what an escrow is, I understand by escrow, he stops being indicted. Escrow is not where you put

money up to see what happens, and if what you want happens, the other fellow gets the money. It is 960 nothing like if he does not I get the money back. I don't know.

Mr. Ward: If your Honor please, I don't think the Chicago Title and Trust Company would approve of Mr. Stewart's definition of an eserow.

The Court: Proceed. If necessary, the court will define it later.

The Witness: The first time I started bootlegging was in the fall of 1932. Those twelve people were convicted the first part of February 1938, they were being held over here in the jail after they were convicted. It was about ten days and two weeks after they were convicted that I got a telephone call from this man Brantman to come to Chicago. I did not know this Mr. Brantman before. When he called me he says he knows I was interested in that case and knows something about me through other people. Before that time I did not know much about Mr. Glasser, only what I saw in the paper. I don't know him personally today. I never had a conversation with him.

Q. When Mr. Brantman got you down to Chicago, did he, Brantman, tell you how he, Brantman, happened to be mixed in your affairs? Did he tell you about that?

A. To be honest, he explained to me—the racket I was mixed in, we always take a man's word. I confess and tell him exactly.

Q. Did Brantman tell you he did some accounting work for Capone or Humphries?

A. No.

The Witness: He did not in any way introduce himself so that I could trust in connections, I did not know, I was not interested in that.

Q. Nick, you would not pay \$3,000 to anybody to fix your case, would you?

A. To be honest, there were lots of doings like that, fellows like us. I hope to be gentleman when I come home.

Q. You would pay money to somebody who would promise you a fix?

A. There was more than a fix, if indictment was stopped. He knows Mr. Glasser and that was all there was to it.

961 Q. You are hoping this man had the right connections in Chicago and would give your money to the right people and stop the indictment, is that it?

A. I put up the money, I was hoping he had somebody.

Q. You were just taking a chance that he had the right connections?

A. Not taking chance, I thought I had right party.

Q. Tell the court and jury what made you think he was the right party?

A. It seems to me he knows everything right up to the minute. In that same thing he tell me about Brown, one of the men in the penitentiary tell his wife same day and it come to me next morning. I thought he was very well posted.

Q. The wife of who came to you and told you?

A. Of this other defendant that was in County Jail.

Q. Was in the County Jail?

A. Yes.

Q. So the wife of one of the defendants in the County Jail—what is the name of that defendant?

A. Statusus.

Q. Mrs. Status, S-t-a-t--s-u-s, we will call it that. She came to you where, in Wisconsin?

A. Yes.

Q. Was that the morning after you had been in Chicago?

A. The day after.

Q. And she told you that this man Brown had been talking to the Federal people?

A. She said they had been downtown at the District Attorney's office and he talked about me.

Q. You could tell from what Mrs. Statusus told you, that Mrs. Statusus knew what the facts were about you?

A. No, I don't say that. What I am trying to tell you, the things, the facts what he tell me, I thought he possibly had first class information some way, how he got it, I don't know.

Q. How he got it, you don't know?

A. I can't swear to it, because I don't know.

Q. You would not have given your money if you did not think he had that kind of connection, would you?

A. Of course, if I thought he was capable and had his connections.

Q. What connections did he tell you he had?

A. He had connections to stop things like that, he had connections in the Federal Building.

Q. He told you that?

A. Yes.

Q. He told you if you would give the five thousand dollars,—he wanted five thousand dollars, didn't he?

A. Yes.

Q. He told you if you would give up the five thousand dollars, through his connections, he could stop the indictment, is that right?

A. Yes.

The Witness: You see you can't believe people like that one hundred per cent, you know that. You don't put that money in the bank. The receipt was alright, but not as good as the bank. The bank don't give you that kind of a deal. I don't know how to explain. You are never sure whether a man is telling you the truth or not, of anything like that. When I came back home and the wife of one of the prisoners came, I began to worry about the fact that this man might be talking about me. About thirty days or forty days or so after that I came to Chicago and gave Mr. Brantman my \$3,000. I didn't expect to get it back. He told me he wanted it to give to somebody in the Federal Building to fix the case. I more or less expected never to get it back again, you don't get nothing back. I asked for a receipt, Mr. Brantman wrote that out for me. I did not hire him for any services as accountant. He wasn't going to render me any service. The kind of receipt he gave me, you are lucky if you get one. You are lucky to get any kind. I thought I had something  
963 more, possibly, than the average fellow gets in that business. I know what it means "to be shaken down".

I could not be sure that this man was not putting a shake on me and be honest about it. I could not go over and ask Mr. Glasser if Mr. Brantman was able to fix him. I thought Brantman could, though. I was kind of hoping he could. If I did not think he could, I would not have given him the money. After I gave him the money I saw him in a week or two. He was down in Milwaukee. He made the appointment. He called me again at the Plankinton Hotel. He say it look like everything in control, stop everything. But usually he wanted more money. He says, "Everything is alright." As a courtesy to that kind of stuff, I did not ask him the name of anybody he gave the money to. When you get protection from agents I guess you don't ask too many questions.

Q. So all during your conversation he never told you who he paid the money to, and as a courtesy, you never asked him?

A. Yes, that is right, outside of what he tell me about Brown, he had that information.

The Witness: At that meeting after I paid my \$3,000, he gave me the impression that he had already paid my money over to help me. He also told me that the party was wanting the rest of it. I am sure that is the procedure on that. That was about two weeks after I gave it to him. I told him at that time I didn't have as much money as people thought I had. I think the next time I saw him was in Waukegan, the first part of June. I made that appointment myself, I wanted to find out about how things were going, and I called him at his office, and told him to meet me in Waukegan at the hotel. I met him in the lobby, he told me the same, that he had paid my money over to the right people, and they were screaming and wanted the rest. I told him again I did not have the money. That is all that was discussed. I did not see him no more. I was in trouble at home. I was there two or three months and go to the penitentiary. That was the end of that, and also the end of my money. Judge

Stone gave me three years, I have fourteen months in.  
964 I don't know Mr. Kretske, I saw him once, at the Sherman Hotel, four or five years ago. I don't know if I see him today, I never had any conversation with him, whether legal or illegal, just a matter of meeting him, that is all. When I met Brantman in the Waukegan Hotel he did not give me any name of who he gave the money to, I did not ask him, that's just the way they do those things. They make them a little mysterious, I suppose.

I know Barney Clooman, he is a Federal Investigator, I was not paying any money to people supposed to protect me when I was running stills. I had the reputation for that but never do it. I don't know if my partners did. Nobody ever approached me before where he was going to take care of a matter, and put up money to fix the case. Others didn't do it that I know. In fact we don't have those things in Wisconsin. I don't say we run our stills honestly, but we don't have that up there. If this man Brown told the truth about me, he might possibly say I sent him to rent the fam. I did not tell you that. I don't care how much you know about that. If Brown told the



agents the truth about me I don't know what he could say, whatever he feels like. I was not a partner in that still, I was just selling sugar, that was good enough for me. Enough to convict me. That was my connection, that I sold sugar.

Q. Is it true that you sent this man to pick out the farm?

A. No. Mr. Brantman said I was implicated, and it is alright, they could indict me, and I have a lot of trouble, even if I never have anything to do with it. If I had nothing to do with it or not, he said, "You will be indicted and you must be in trouble".

The Witness: Maybe we talked about it, I never was on that farm, never was in Illinois. Three or four of that group would know about my connection with the still. I suppose they would see me talk about it, when we meet some place. I bought the sugar, some of the boys that was connected with the still, dealt with me, I was satisfied was paying me for the sugar. Brown paid me. As a 965 matter of fact, two or three of them who were convicted, knew that I was selling sugar, if they want to tell the truth, that was all they could say about me in that connection. I know a man named Canzenbach, he is a very old man, about sixty seven, a carpenter. He could not get work around home and he was willing to do a little carpentering, so he was down there and they took him down to do a little carpenter work before they put in the still, he was convicted and got a year and a day. I guess when Mr. Glasser was up in my part of the country, he was looking for Canzenbach.

Q. You learned that was what he was up there for, didn't you?

A. Either Mr. Canzenbach and possibly looking for he too. That is a matter I don't know, what Mr. Glasser had on his mind.

Q. You got the information from other people, didn't you?

A. Just where you get it,—you can't get it direct, you know.

Q. Now, among those twelve men that were arrested in that still down there, that you were afraid you would be implicated in,—by the way, where was that still down here that you were afraid you would be implicated in?

A. If I be honest, I don't even know.

Q. Was it the Murdock farm?



A. I don't know.

Q. You know that Mr. Glasser prosecuted the men who were convicted in connection with that still, don't you?

A. Yes.

Q. Seven of them got five years?

A. Yes.

Q. Four of them got two and a half years?

A. Yes.

Q. And one got a year and a day?

A. Yes, sir.

Q. Now, after they were convicted, did you get information from anybody else except the wife of that one prisoner and this Mr. Brantman, that these men in the jail might talk about you?

A. Well, not exactly, but you can always expect it.

966 Q. You are always kind of afraid of that?

A. Yes.

Q. Especially when they got convictions, that makes it even more dangerous, is that right?

A. I suppose.

*Redirect Examination by Mr. Ward.*

Q. Mr. Canzenbach, is the old man who did a little carpenter work, and Mr. Glasser got a year and a day for that man, is that right?

A. Yes.

The Witness: When I was up there at the Sherman Hotel, I can't remember the date, I saw Mr. Kretske with this man whose picture you show me here, that is Fred Blumenthal, he died. That was the Sherman Hotel in Chicago.

Q. Did you know Blumenthal was removed from Milwaukee one time by the Federal Government in a proceeding?

A. Yes, sir.

Q. That is the same man you are talking about?

A. Yes.

Q. Now, regardless of what Mr. Glasser had on you or did not have, Nick, you thought Mr. Brantman's information was first class, and that is why you paid your money, is that right?

A. Yes, that was always right there, that information, that sounds very strong like he knows what he is doing.

*Recross Examination by Mr. Stewart.*

I know the Sherman Hotel, in Chicago.  
(Witness excused.)

EDWARD WROBLEWSKI, recalled as a witness, on behalf of the Government, having been previously sworn, was examined and testified as follows:

*967 Direct Examination (Resumed) by Mr. Ward.*

I don't remember any conversations I had with Mr. Glasser. I went home from his office and that was the end of that as far as I was concerned. I recall my brother being indicted and his case coming up before Judge Barnes. I was not there at the trial. I remember he was indicted but I don't remember the month or day or anything. In my dealings with my brother I handled the money. I paid out the money for expenses and so forth.

Q. Now were you ever in Mr. Kretske's office in 1937?

A. Mr. who?

Q. Mr. Kretske?

A. I don't know Mr. Kretske.

Q. You don't know Mr. Kretske, you don't remember him at all?

A. I don't remember the name.

Q. Well, than man there (indicating).

Mr. Stewart: Stand up please.

(Defendant Kretske arose.)

A. I don't remember seeing the gentleman.

Mr. Ward: Q. You don't remember ever seeing him?

A. No.

Q. Remember seeing him yesterday?

A. Where at?

Q. Right here in this court room.

A. I never seen him before, I don't remember seeing the man before.

Q. You mean before now, or when?

A. Until just this minute.

Q. This is the first time you ever saw him?

A. Yes.

Q. Did you ever go to his office with William?

A. No, sir.

Q. Did you ever pay any money at his office, for William's case?

968 A. Whose office?

Q. Mr. Kretske's office?

A. I don't remember Mr. Kretske's office, where his office it, or the name, I don't recollect.

Q. You testified before the Grand Jury in this case, didn't you?

A. I was before them, yes.

Q. In this case? And you refused to testify at all?

A. Under my constitutional rights, yes.

Q. You claimed your constitutional right not to testify, and you did not testify, that is right, is it not?

A. Yes.

Q. Well, remember seeing Mr. Kretske in Indiana when your case was up? And if Mr. Kretske had nothing to do with your case, you did not hire him?

A. I don't know anything about it, sir.

Q. If he went down to Indiana, you did not ask him?

A. Mr. Kretske?

Q. Yes, sir.

A. I don't know anything about it.

Q. You don't even remember it?

A. No.

Q. You never heard the name?

A. When I was questioned by Mr. Bailey.

Q. When was that?

A. Last March, April or May.

Q. Where?

A. Lewisburg, home, and the Alcohol Tax Unit, the new Post Office.

Q. He mentioned his name to you, did he?

A. Yes.

Q. Did you know that your brother was sentenced to three months and a fine of \$500 in the case he was brought before Judge Barnes in?

A. Yes.

969 Q. Did you know Mr. Glasser recommended probation in your brother's case?

A. Yes, I was told by my brother, yes.

Q. Now, was that after the case was over that you talked to him?

A. About when?

Q. To William? You don't remember that?

A. I don't remember that.

The Witness: The telephone number in my house in 1937 and 1938 was Homan 1035, that was an unlisted number. My name was not in the book. I don't know William Brantman, I never heard of that name.

Q. Did you ever call him up or see his office?

A. I don't remember calling that.

The Witness: Homan 1035 was when I lived at 10545 S. Wallace Avenue. I have not been able to refresh my memory on how I happened to meet Roth. I remember seeing Mr. Roth in Indiana. The sum of \$250.00 I paid Roth was for both my brother and myself. I recall when I hired Mr. Roth in my case in Indiana. I could not say whether it was before I was indicted or after I made bond, I don't remember that. I had a conversation with Mr. Roth regarding his going down to Indiana for me before I was tried. That was the day of the trial, the day of the hearing, and so on. I don't remember the exact date. I don't remember if I got a receipt from Mr. Roth or not. I just keep things like that in my head, of how much I paid for attorney's fees. I recall while we were on trial, having a conversation with Mr. Roth, where he told me he was going down to Indianapolis to look into my case for me. I appealed my case and was out on bond pending the appeal. I was in Lewisburg when I received notice that my conviction was affirmed. I remember getting a letter from Mr. Roth, I don't recall the date. I was supposed to be serving time on both concurrently. I was in Lewisburg when my conviction was affirmed, in the Northern Indiana case. For a while, William was out on bond, and I was in the Penitentiary. I don't know anything about that trip William made with Mr. Roth and Mr. Kretske to Indiana.

When I hired Mr. Roth I told him about my financial standing. I talked over my ability to pay with Mr. Roth. He knew my financial standing, and that I was not able to pay more than \$250.00. My brother who gave the name of Burba was convicted in April, 1937. It was when I was preparing with Mr. Roth for my case concerning Indiana that I first met him. That was about a year after my brother was convicted before Judge Barnes.

Q. So when your brother had trouble, and was in before Judge Barnes, you didn't even know Mr. Roth?

A. I did not.

Q. And then a year and a half went by before you had occasion to hire him?

A. That is right.

Q. So Mr. Roth had nothing to do with your brother's case as far as you know?

A. On the sentence of ninety days?

Q. Yes, sir on that case.

A. No.

Q. He had nothing to do with that?

A. No.

The Witness: Mr. Bailey talked to me many times, some of those times were in the Penitentiary, where I was doing time. My sentence is eighteen months. I received two sentences in two different districts in Indiana. Mr. Bailey was present and assisting the Government as he is here. Both of my cases arose out of the same alcohol. I had an application for parole in, it has been denied. I don't remember if Mr. Bailey discussed that with me. I don't remember if he said anything about my parole, about having my parole papers in his pocket, and holding it up. He asked me about the Kretske matter, if I knew anything about it. He questioned me, and he said that I knew enough to shock a court-room, and I didn't know anything about the matter. He repeated it a few

971 times, and I never did know anything about it. Mr. Bailey has been us to the Penitentiary twice and I have seen him four times. Twice in one day, and once one day, and then the following day before Mr. Bailey left Pennsylvania, and I told him each time that I didn't know anything about Mr. Kretske.

*Redirect Examination by Mr. Ward.*

I recall going to the Alcohol Tax Unit with my brother William just before the trial at Hammond. Frank Hodorowicz asked me to go over there. I was there three times. The first time I was there with Frank Hodorowicz. I had a conversation there with Mr. Bailey and when I left Mr. Bailey's office I was going to the Federal Bureau of Investigation, I did not go there, I went to Roth's office and talked to him. I didn't go back to the F. B. I. after I left Mr. Roth's office, that was after I was convicted in the Southern District of Indiana and the Northern District. Both indictments in Indiana were for

conspiracy. I went to the Alcohol Tax Unit with Frank Hodorowicz, the day I made the bond in the building, here, Frank Hodorowicz happened to be in the building, and he said he wanted to see me. So I said what is it all about. I went over there.

Q. Now your father and mother lived out there on 118th Place, did they not?

Mr. Stewart: Your Honor, I didn't ask him anything about his father and mother, it is not redirect examination. Can't we hold Mr. Ward down a little on that?

The Court: It is not proper redirect.

Mr. Ward: Well, it is not, your Honor. I will ask permission to ask it.

The Court: Well, proceed.

Mr. Ward: Q. I am just going to ask one more question about it. Your brother John lived over there, did he not?

A. Yes.

Q. Do you know anything about that Hodorowicz still which was a couple of doors from—

972 A. No, sir.

(Witness excused.)

Mr. Stewart: Mr. Ward, is this Mr. Campbell?

Mr. Campbell: Yes, sir.

(Whereupon the Jury retired from the Court room.)

Mr. Stewart: We have a formal motion concerning the testimony of the next witness, whom I understand is Mr. Alexander Campbell, and may I read it, Judge?

The Court: Yes, sir.

Mr. Stewart: "United States *versus* Daniel Glasser, *et al.* Now come all of the defendants herein jointly and severally by their respective counsel and move the court to exclude the proposed testimony of one, Alexander Campbell, offered by the prosecution on its behalf on the following grounds based upon the opening statement of the prosecution stating the proposed testimony of the said Alexander Campbell:

1. That the said proposed testimony is not a declaration made in pursuance of the common object of the alleged conspiracy.

2. That the said proposed testimony is not part of the execution of the alleged plan of the alleged conspiracy.

3. That the fact that the declarant is indicted adds nothing to the competence of his alleged declaration.

4. That the fact that one alleged conspirator tells an-



other something allegedly relevant to the alleged conspiracy does not make the alleged declaration competent.

5. That mere conversation of an alleged conspirator with another does not implicate him or others in a conspiracy with others not independently shown to be a party to the alleged conspiracy.

6. That no independent proof of the alleged conspiracy has been offered.

7. That the proposed testimony is concerning a transaction not related to the alleged conspiracy.

973 8. That the Bill of Particulars setting forth the causes, persons and places involved so that the defendants might be prepared to meet the particulars alleged, does not set forth the case of the United States versus Edward Wroblewski and William Wroblewski in the Northern District of Indiana.

9. That the proposed testimony is prejudicial and will not tend to prove any issues in the above cause."

I might add to that that it wouldn't be admissible as against the other defendants who are not concerned in the transaction or conversation.

(Whereupon arguments of counsel were heard.)

Mr. Callaghan: I want to record a further objection. This indictment charges the conspiracy began in July 1935, and it continued up to the date of the indictment, despite the fact the proof shows here that Kretske resigned as an Assisant United States Attorney in April, 1937, and Glasser resigned as an Assistant United States Attorney, and ceased his duties in May, 1939.

These conversations which are now proposed to be introduced into this record are conversations which are supposed to have occurred, as I understand it, from the opening statement in August of 1939. Necessarily, of course, Glasser having resigned in May, 1939, any conspiracy to defraud the United States of the service of an Assistant United States Attorney ended, and at the time he ceased being an Assistant United States Attorney, and of course these conversations in August, 1939 are not admissible or not competent to prove a conspiracy.

The Court: All right, we will hear the testimony of the witness now, and we can pass on it later.

Mr. Callaghan: The record will show that upon this motion the objection is overruled at this time?

The Court: Yes.



(Whereupon the proposed testimony of Alexander Campbell was taken outside the presence of the Jury.)

974 The Court: You may bring the Jury back. The testimony will be submitted to the Jury.

(Whereupon the Jury returned to the court-room.)

Mr. Callaghan: For the purpose of the record, we need not repeat our objection, the objection will stand to this entire line of examinaion?

The Court: Yes, sir.

Mr. Poust: The record is clear that we are objecting to this?

The Court: Oh, yes, yes. You may proceed.

ALEXANDER CAMPBELL, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows.

*Direct Examination by Mr. McGreal.*

My name is Alexander Campbell, I live in Fort Wayne, Indiana. I am an assistant United States Attorney, for the Northern District of Indiana, my offices are located at For Wayne, Indiana, South Bend, Indiana, and Hammond, Indiana. James R. Fleming was the United States Attorney for the Northern District of Indiana, he has two assistants. Myself and Lucas Weigert, of Hammond, Indiana. Our Grand Jury meets from two to five, or six times a year, depending on the amount of work to do. I know the defendants Alfred E. Roth and Norton I. Kretske.

I recall two defendants in my District by the name of Edward Wroblewski, alias Eddie Sparrow, and William Wroblewski. They were charged with conspiracy to violate the internal revenue laws of the United States. The indictment was returned in April, of 1938.

On September 30, 1938, I was in the Federal Building in the United States Attorney's office at Fort Wayne. I got there about 10:00 o'clock and called Mr. Alfred E. Roth at the Keenan Hotel which is about a block away from the Federal Building. I had a conversation with Mr. Roth on the telephone. Mr. Roth stated to me on the phone that he was Mr. Roth of Chicago, that he had come down on the train, I think that night or day, and I was in South Bend, and he waited to see me, because he  
975 wanted to go back to Chicago early the next morning and asked me if I would see him that night in my office

concerning a case. He came to my office between ten and a little after. He was alone, there was no one else in my office.

Q. Now will you tell the Court and Jury just what was said by Mr. Roth and by yourself at that time?

A. Mr. Roth came into the office and greeted me and stated that he wanted to talk to me about two clients of his. The Wroblewski brothers of Chicago, and he stated—and he asked me whether or not the Wroblewski brothers had been indicted, or what the status of their case was. I told Mr. Roth that I did not remember the names, and had no recollection of the names at that time, therefore, I said I did not know if they had been indicted or not. And Mr. Roth asked me at that time if I would check the records then to determine whether or not the Wroblewski boys had been indicted by the Federal Grand Jury. I told him that my secretary, Miss Stilwell, was not there at night, and had gone, and I knew nothing about the filing, and I couldn't find the file, but that if they were indicted,—or that in the morning I would check the file, have the girl check the files, and if they were indicted I would send him a copy of the indictment to his office in Chicago.

Q. And was that all the conversation that took place at that time?

A. I think that is about all.

Q. Well, after that conversation did Mr. Roth leave?

A. Yes, he did.

Q. Did you remain in your office?

A. Yes, I stayed there about fifteen minutes or so, looking over the day's mail.

Q. And what did you do then, after you finished your work?

A. I left my office and went out in front of the Federal Building at Fort Wayne, to get into my car, which was parked in front of the Federal Building.

Q. And when you arrived at your car, did you see anybody?

976 A. I saw Mr. Roth.

Q. And was anything said at that time?

A. Yes, sir.

Q. What did he say and what did you say?

A. Mr. Roth stated to me at that time, in front of the Federal Building, in Fort Wayne, that he was not ready to retire, was not tired, and didn't want to go back to the hotel, and was standing out there enjoying the evening,

and said that he had been thinking over something to ask me. He stated that he didn't know whether to ask me or not. And I said, "Well, Mr. Roth, if you have anything on your mind, get it off." And he stated to me then, "Well, Mr. Campbell, if you find, when you check the records that the Wroblewskis are not indicted, and that their case has not been presented to the Federal Grand Jury, isn't there some way that some arrangement can be made so that they will not be indicted, isn't there some way we can handle this so it does not have to be presented to the Jury." I said, "No, these Wroblewski boys, brothers, if they are not indicted their case will be presented in due course to the Federal Grand Jury, and if there is sufficient evidence the Grand Jury will probably indict them, and if they are indicted they will be prosecuted." Mr. Roth further stated, "Well, isn't there some arrangement that we can make? Isn't there some way that we can handle this?" He said, "I know all about Grand Juries. I know how they work, and isn't there some way some arrangement that we can make to handle this case?" I said, "No, Mr. Roth, that cannot be done, because the United States Attorney has a policy of presenting all cases to the Federal Grand Jury, that case will be presented in the regular channel as every other case is." Mr. Roth then said, "Well, suppose I raise my fee \$500.00 or \$1,000.00 and give it to you to handle this case?" I said "No, that is not being done in the Northern District of Indiana, that is not the way we operate." Mr. Roth then said, "Well, if you don't want to take the money yourself to handle this case, in that way, this is a campaign year, and I assume that you have campaign assessments to pay, the Fall campaign coming on and if you don't want to take this money yourself, 977 use it for your campaign assessment." I said, "No, Mr. Roth, that is not the way we operate in the Northern District of Indiana." Mr. Roth then said, "Well, that is the way we handle cases in Chicago sometimes." And discussed it with me further, and I said that that is not being done. "I don't care how you do it in Chicago, that is not the way we do it in Indiana." Mr. Roth then said, "Well, I meant no offense." And I went home.

Q. Now, what did you do the next morning?

A. The next morning I reported the incident, and the conversation with Mr. Roth to either Colonel Bailey of the Alcohol Tax Unit or the F. B. I., I think it was Colonel Bailey.

Q. Now, did you have a chance to check the records concerning that case in Indiana at a subsequent time?

A. I did.

Q. What did you find?

A. I found the next morning, upon my secretary checking the records that the Wroblewski brothers, Edward and William had been indicted in April, 1938 for conspiracy to violate the liquor laws.

Q. Now were those two Wroblewski boys brought to you in your district?

A. They were brought to trial in our district in Hammond, Ind. in December, 1938.

The Witness: I handled the prosecution. The case was tried before a jury, and the Wroblewski boys were convicted, then the case was appealed and the conviction was affirmed.

I was in Fort Wayne Indiana on the 10th of July, 1939.

Q. And about four forty-five on that day were you?

A. I was coming to the United States office in the Federal Building in Fort Wayne, Indiana.

Q. And did you have occasion to meet somebody at that time?

A. I did.

Q. Who did you meet?

978 A. I met Mr. Roth and Mr. Kretske.

Q. What was the status of the prosecution of the Wroblewskis at that time?

A. At that time, as I stated, the case had been affirmed, and I think they had been sentenced.

Q. And did you come up to your office?

A. Yes.

Q. And who went with you?

A. Mr. Roth, Mr. Kretske, Mr. Moss, who was with me at the time, and myself.

Q. And will you describe your office to the Court and Jury, that is, the lay-out of the office?

A. Yes, sir. From the main corridor of the Federal Building you enter a waiting room in which there is a counter, and then back of that counter is our Clerk, our secretary, Miss Stilwell, and then to the left is the private office of the United States Attorney.

Q. Now which office did you go into?

A. The United States Attorney's office. Private office.

Q. And who went in there with you?

A. Mr. Kretske, Mr. Roth and Miss Stilwell went in with me.

Q. Now, was there any conversation at that time?

A. Yes, sir.

Q. Will you tell the Court and Jury just what was said?

A. Well, Mr. Roth stated at that time that he wanted to talk about the Wroblewski case again. He stated that one of these brothers had been indicted, and either convicted or plead guilty in the Southern District of Indiana, along about the same time, and he asked me whether or not the sentence in the Northern District for this conspiracy case would run concurrently with the sentence in the Southern District of—Southern Federal District, and I stated to Mr. Roth I did not know anything about how the sentences were imposed or whether they were directed to run concurrently or consecutively, and anyway, I had no jurisdiction of the matter of sentences, that was up to the Court.

Q. Then what was said?

A. Well, we discussed further the Wroblewski case, that is the evidence of the appeal, and I think a couple of legal questions of the appeal, and Mr. Kretske, at that time, I think it was, at that time I think it was, at that time stated that in his office in Chicago where a man was indicted for a similar offense in another Federal District in the United States, while being indicted, or under indictment in Chicago, that ordinarily they would dismiss the Chicago case against the violator who had been sentenced in some other district, and I stated to Mr. Kretske that that was not our policy, but that we always indicted for similar offenses in the Northern District of Indiana, and then usually the Court gave a concurrent sentence.

Q. Now, at that point, did Miss Stilwell or Mr. Moss or Mr. Kretske walk out of your presence?

A. At that time I stated that I had a dinner engagement, and had to leave, and Mr. Roth and Mr. Kretske and Miss Stilwell and myself all got up from the private office, and went out into the secretary's office.

Q. Now, did you have any further conversation with Mr. Roth?

A. I did.

Q. Where did that conversation take place?

A. Well, after we had all gotten out in the secretary's office, Mr. Roth grabbed me by the arm and pulled me

back in toward the private office of the United States Attorney. We stood in the open doorway between the United States Attorney's office and the secretary's office, Mr. Moss was talking to Miss Stilwell, and Mr. Kretske was at the outer door of the office. And Mr. Roth stated to me at that time, asked me, I believe, if I knew Bailey, Special Investigator for the Alcohol Tax Unit, Bailey, and I said that I did, and he said, "Well, Bailey is conducting some sort of an investigation in Chicago, he is trying to involve a lot of Chicago people, he is trying to involve certain lawyers in Chicago, and he said, 980 "Can't you pull Bailey off? Can't you call him down here to talk to him and pull him off of this investigation?" And I said that I had no jurisdiction whatsoever with Colonel Bailey, he was in a different department. Well, he said, "I don't want to get mixed up in this investigation,"-- He said, "It will be a mess, and I don't think you want to get mixed up in it either." He said, "You know there will be some that will say that you were offered money to fix a case," and then he said, "There will be others who will say you asked for money to fix a case," and then he said, "Besides, there is a certain Federal Judge in Chicago that is going to remove Bailey anyway, because of this investigation." So he said, "Can't you do anything about that?" And I said, "No."

Q. Is that all of the conversation?

A. I think.

Q. Well, after that did Mr. Roth leave?

A. Yes, Mr. Roth left, Mr. Roth and Mr. Kretske both left after that conversation.

Q. And then how long did you wait there in your office?

A. Oh, I think I waited a few minutes probably, I didn't finish up the work, ten or fifteen minutes, and went away.

Q. And did you do anything the next morning?

A. Yes, sir.

Q. What did you do?

A. I called Colonel Bailey, or the F. B. I., and reported the incident as I had the previous time.



*Cross-Examination by Mr. Stewart.*

I was admitted to the Bar in 1928, Indiana is one of the toughest States in the Union to be admitted in. I was appointed Assistant United States Attorney in November, 1935, and have held office continuously since. I am a member of the Kiwanis Club, and Plymouth Congregational Church.

981 I remember when Mr. Kretske first met me there was something said about the fact that he had some business down at Plymouth, and that is how he happened to come along with Roth. There is nothing unusual about lawyers discussing the matter of what might become of their clients. The matter of how sentence should be served whether concurrently or consecutively, that is a question that is often discussed. There is considerable discretion vested with the Judge, he has complete control of it. Mr. Roth explained to me that the Wroblewski boys' two sentences involved the same lot of liquor, that they grew out of similar circumstances. He urged upon me that the circumstances were such that there ought to be a concurrent sentence. I have had that discussion before with other lawyers. The Federal Court practice varies in different states of the country because the District Court conforms as near as may be with State practice. We very often discuss the difference in the practice in our district with other people that have come from another district. I often meet lawyers who have been District Attorneys that are out in practice. They discuss with me what the practice is in their own district. I suppose Judges discuss that too. When Mr. Roth pulled me back in the office, he pushed me back against my will. He just grabbed me by the arm and pulled me around the door.

Q. Didn't you cry for help?

A. Why of course not.

The Witness: We discussed the fact about rumors about an investigation, I did not say at any time that that was nothing unusual for people in my official position were sold up and down the street at times. I didn't say anything like that.

I know it to be a fact, people outside not having any connection with me, will sometimes talk about a fix. That does not happen often. It happens once in a while. I



don't think I told Roth during my conversation with him that I didn't pay any attention to gossip.

982 Q. Now, when Mr. Roth was talking to you about the presentation of that case before the Grand Jury, you didn't know whether they had a good case or a weak case against those Wroblewskis, did you, you were not familiar with the case?

A. The case had already been presented, and they were indicted at that time, but I had forgotten it.

Q. You didn't know it. Did you present it yourself?

A. Yes, sir.

Q. But you had so many cases that that one had slipped your mind?

A. That is right.

Q. By the way, is it any part of your duty as a District Attorney to go out and do police work?

A. No.

Q. And the agents who work in your district, where do they work out of?

A. The agents that work in our district work out of Chicago,—Indianapolis, principally.

Q. And those that work out of Chicago, are they in Mr. Yellowley's charge, they are in the Alcohol Tax Unit?

A. Well, some of them work under Yellowley, and some directly, I think out of Washington.

The Witness: Exhibit 136 bears my signature. Mr. Roth said during one of the conversations that a certain Judge was going to remove Bailey.

Q. Well isn't it a fact that Mr. Roth was talking about the conduct of Mr. Bailey down in some other district down south?

A. No, he said there is a certain Judge in Chicago going to try to remove him anyhow, or try to get him out of the District.

Q. Was there anything said about a certain Judge down south, about Mr. Bailey, about a certain Judge down south putting Mr. Bailey out of his court because he was framing his case?

A. No, sir.

983 Q. There was nothing said about that?

A. No, sir. I think Mr. Roth told nothing about Bailey anywhere else, if I remember right.

Q. And something was said about how we do things in Chicago, Mr. Roth used that expression, did he?

A. Yes, that is right.

Q. He didn't name anybody, did he?

A. No, sir.

Q. And you didn't inquire into that any further, did you?

A. No, sir.

Q. During that meeting of July 10, with Mr. Roth, during that conversation did Mr. Roth say to you that he had not asked you to do anything that you couldn't consistently do?

A. No, he didn't.

Q. At the time you met Mr. Kretske, did you know at that time whether he was in or out of office as a District Attorney?

A. I think that he told me that he was out. I think he said I used to be an Assistant United States Attorney.

The Witness: I think Miss Stilwell heard part of the conversation. She is here. I have talked with her about what part she heard. She heard part of the conversation of May or July, 1939. July 19th when Mr. Roth came out to see me because he heard there was an investigation. Miss Stilwell is in the court-room.

Mr. Stewart: May we have her excused under the rule, Your Honor.

The Court: Proceed.

The Witness: Well, she told me that she overheard me stating something to the effect that that is not the way we do it in Northern Indiana, and she told me that she heard me tell him, to use this expression "Hell, no." I don't believe she heard anything Mr. Roth said. I don't know whether Kretske heard the conversation or not. He was standing over by the door. As far as I could observe he was not in it. The first time that Mr. Roth talked to me when he was talking about whether or not the indictment had been returned, it was just he and I alone,

984 on that occasion. Nobody was in a position to hear it at all. I don't know what was finally done with those sentences or if they were arranged so they could be served consecutively, because I wouldn't have anything to do with it. That would be for the Judge, who has the last conviction.

The rules permit me to carry on a private practice, but time does not permit. I have my name in a law firm in Fort Wayne, but I don't maintain an office. I am a member of a law firm there but I am inactive. If I had time

I could practice civil. Exhibit 137 is not my handwriting. I probably dictated this letter to my secretary, because my initials appear in the lower left hand corner, as does her initials. When a man is too busy, he dictates the letters, and they are signed by somebody else.

*Redirect Examination by Mr. McGreal.*

I graduated from the Indiana University, I am active in the Alumni of that institution.

Q. Do you hold any office?

A. National President of the Indiana Alumni.

Q. National President of the Indiana Alumni?

A. Yes, sir.

*Recross Examination by Mr. Stewart.*

The first conversation was about September 30, 1938, the second one was about the 10th of May, 1939.

(Witness excused.)

EDWARD FARBER, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is Edward Farber, I live at 5400 Madison Street, I know the defendant Norton I. Kretske for about ten years. I live at my present address about five years. I know a man named Harry Brown and one 985 named Jack Weber, I have known them since 1937.

I met them at my home. I had something to do with operating a still with them, and I was indicted for that with them. I was indicted and arrested in the latter part of 1938, the still was discovered in March, 1937. It was a 500 gallon still. We produced about 150 or 200 gallons. Exhibits 138 to 156 are photographs of the still I was connected with and indicted for. I think I started to work on that still in January, 1937.

I was connected with the Beisner still. I know a man named Widzes I was arrested in connection with that still I believe in November of 1937. I was caught right

on the premises at the time of the raid. Widzes was with me, and I was in an automobile. We were taken to some station on the north side. It was after I was arrested in the Beisner still that I was indicted with Dukett and Weber. I was not indicted in the Beisner case at first. My case was disposed of before Judge Holly. Mr. Glasser represented the Government, Weber and I pled guilty and were placed on probation. Dukett didn't plead guilty, he was represented by Mr. Roth. I was the first one to plead guilty in that case, and a period of about six or seven weeks elapsed before I was put on probation. The Judge did not ask Mr. Glasser anything about my case that I recall. I did not see Mr. Glasser at that time show these pictures to Judge Holly. I don't recall that he called the Judge's attention at that time to the size of the still. I was not there when Dukett pleaded guilty. I was present in the court-room when the Beisner matter was tried. I was tried on that case but I was on probation in the other case. I heard the witnesses testify in that Beisner case. I know that Widzes' fingerprint was found over the still on a lamp-shade. That is the same Widzes that was sitting in the automobile with me at the time of the raid. My nephew Dvorak, worked in that still, at the Beisner farm. I know the defendant Louis Kaplan about four years. I know Victor Raubunas since 1936. I know the defendant Horton since the latter part of 1938 or 1937. I met Kaplan and Raubunas at my home in the early part of May, 1937. I knew Victor Raubunas, and had some business relations with Kaplan, regarding a still at a green-house on route 14. Dewes and Raubunas were in that still with me about five weeks and then we got into the Beisner still.

Q. Weil, after the Beisner still was raided, did you frequently see Raubunas and Kaplan and Eddie Dewes?

A. I seen Raubunas and Dewes, I didn't see Kaplan.

Q. Did you ever meet him in the Insurance Exchange Building?

A. Raubunas and Dewes?

Q. Yes.

A. Yes.

Q. When was that?

A. Oh, that was three days following the arrest.

Q. The arrest of who?

A. At the Beisner farm.

Q. Did you see Horton in the Insurance Exchange Building?

A. Yes, sir.

Q. Was there some conversation held there between you in the Insurance Exchange?

A. Yes.

Q. How did you happen to meet Horton there?

A. Well, we met him—we made a meeting with him prior to that arrangement, to have Beisner and Widzes released. We had a meeting with Mr. Horton at his home first, and at his home we decided to meet at the Insurance Exchange Building.

Q. And you met there, did you?

A. Yes.

Q. Now, do you recall a conversation there with Horton?

A. Yes, sir.

Q. Can you tell us what was said?

A. We discussed—

Q. No, not what was discussed, discussion is a conclusion.

A. We asked Mr. Horton if he wanted to have Mr. Beisner and Widzes released from the County Jail on bond.

Q. Who do you mean by “we”?

987 A. Raubunas, Dewes and myself.

Q. You all talked together, did you?

A. Yes.

Q. Go ahead.

A. And Raubunas wanted to know what the total cost would be for our bond, and what we spoke about to him previously, and with regard to an attorney, and Mr. Horton— Mr. Horton said that it would cost \$1200.00.

Q. For an attorney?

A. No, for the bonds and attorney, those were the costs, and we told him we didn't have hardly any money. That we were concerned about Mr. Beisner and Mr. Widzes to arrange for an attorney, and I had also arranged for an attorney, and Mr. Raubunas said that all he could raise was \$300.00. Mr. Dewes said he couldn't raise any money.

Q. And you had an attorney then, did you?

A. Yes, sir, I had an attorney. I told Mr. Horton I had an attorney, and Mr. Widzes had an attorney.

Q. So then the only matter you were concerned with was the bond, is that it?

A. Was the bond and the attorney for Mr. Beisner.

Q. But you had your attorney?

A. I had my attorney, yes.

Q. So they talked to Horton about that, did they?

A. Yes.

Q. So it was decided then that they get an attorney, is that right?

A. Well, it was decided before we met Mr. Horton.

Q. How much was agreed on for the price of the attorney?

A. At first was \$600.00 for an attorney.

Q. Was \$1200.00 mentioned?

A. Yes.

Q. Who mentioned the \$1200.00?

A. Mr. Horton.

988 Q. And what did he say?

A. He said it would be the cost.

Q. Cost of what?

A. Attorney fees and the bonds together.

Q. That would be the cost?

A. Yes, sir.

Q. Now, what did you say at that time?

A. I told him that I had an attorney, and that my bonds were taken care of.

Q. Did you say anything about getting it done cheaper?

A. No, sir.

Q. You didn't say you could get it done cheaper?

A. No, sir.

Q. Did you mention Kretske's name at that time?

A. No, sir.

Q. After your conversation with Horton, did he leave?

A. No, Horton didn't leave.

Q. Well, how long did he stay there?

A. Oh, an hour and a half, or two hours.

Q. What did he do during that hour and a half?

A. Talked to us.

Q. About what?

A. About the financial arrangement.

Q. It was thoroughly discussed then, was it?

A. Yes, sir, it was discussed.

Q. Now, at the conclusion of the discussion what did you do?

A. We went to—

Q. You?

A. I went to Mr. Kretske's office.

Q. How did you happen to go to Kretske's office?

A. At the suggestion of Mr. Raubunas, Dewes and Horton.

Q. What did Horton say.

989 A. He said that we should discuss it with Mr. Kretske.

Q. Well, you had your lawyer, didn't you?

A. Yes, sir.

The Court: He said he had a lawyer three or four times.

Mr. Stewart: Three times.

Mr. Ward: And then you went to Kretske's office?

A. Yes.

Q. And what was said there?

A. Well, we discussed practically the same thing that we discussed with Mr. Horton, and explained to Mr. Kretske that I had my attorney, and Mr. Widzes, and that we were only concerned about having Mr. Beisner represented, and explained our financial difficulties to him, that we could not raise hardly any money. Mr. Raubunas said that he would only put in \$300.00.

Q. What did you say?

A. I didn't say hardly anything about the money.

Q. Did you mention something about putting in some money?

A. No, sir.

Q. And what did Horton say?

A. Horton didn't say very much there. He asked if we wanted to have the men released.

Q. What price did Kretske set?

A. At that time, at first he said \$600.00, and after I explained to him what it was all about, he was satisfied to take the \$300.00.

Q. That was the case, wasn't it?

A. No, sir.

Q. Wasn't \$1200.00 the amount—

A. That was a previous agreement that Mr. Raubunas had made prior to having any knowledge that I had an attorney, and that Mr. Widzes had an attorney. I didn't know that. He made arrangements while I was still in custody.

990 Q. Didn't you say at the Insurance Exchange Building after Horton fixed the price at \$1200.00, you could get it cheaper?



A. No, sir.

Q. And you went over to Kretske's office after that conversation?

A. No, sir.

Q. When you got over there Kretske said \$1200.00?

A. No, sir.

Q. The same price as Horton?

A. No, sir.

Q. And that it was agreed you were each to pay \$300.00?

A. No, sir.

Q. All right. Did you ever go back there again to Kretske's office?

A. Yes, sir.

Q. About that matter?

A. Yes, sir, I went along with Raubunas and Dewes.

Q. When?

A. It was before our case was called before Judge Walker.

Q. Yes. How often did you go back there with them?

A. Well, I went back there the following day, after the first meeting, and about once or twice after that.

Q. Why did you go back to Kretske's office?

A. At the request of Mr. Raubunas and Dewes.

Q. How many times did you go back to Kretske's office after the hearing before the Commissioner?

A. About two or three times.

Q. And was the last time you visited Kretske's office was that before the hearing before the Commissioner, or was the hearing on at that time?

A. It was before the hearing.

Q. Now, who was the agent of the Alcohol Tax Unit who was in your case there, the Dukatt case?

991 A. I believe it was Mr. Connors.

Q. Was Mr. Connors there in court when the case was called?

A. I believe he was, I didn't know him at that time.

*Cross-Examination by Mr. Stewart.*

I was a partner in the still at the Greenhouse and also at the Beisner farm. I was also in a still with Mr. Brown at Union City, Ill. That is all that I was in. I was arrested while they were conducting a raid at the Beisner still. Widzes and I drove up there, and the agents questioned us. I told them I was just going to the farm to buy

some eggs. That was a lie. I was just saying that to protect myself, and to give some explanation for driving up there, and I denied I had anything to do with the still. I continued to deny that until I entered a plea of guilty about a year later. All during the year, while the case was being investigated, I took the position that I was just an innocent man, trying to buy some eggs, and I refused to give any information. My nephew Dvorak was cooperating with the agents and the officials, and he went before the Grand Jury, and he was giving information such as he might have had himself. When I was finally brought to court for prosecution, I pled guilty, and the Judge had an investigation made in the usual course. I was granted probation, and then later on I was brought in court and charged with complicity in the Beisner still before Judge Wilkerson.

Mr. Ward was the prosecutor in the Beisner farm case, and knowing that I had been on probation in a former case, I received as my sentence an hour in the custody of the marshal. I served that.

Q. Now, were you out in the Forest Preserves with Dewes near the greenhouse when you saw Raubunas's car go by?

A. I never seen his car go by.

Q. Did Dewes say he saw it go by?

A. No.

Q. Did you have a talk with Raubunas at any time where you stated you saw him out around the greenhouse?

992 A. Some time later.

Q. You accused Raubunas of spying on you, didn't you?

A. I did not.

Q. Did you talk to him along that line at all?

A. No.

Q. Were you in the presence of Raubunas and Dewes when such an accusation was made?

A. No.

Q. So that didn't happen, as far as you are concerned?

A. No.

Q. Did you put any money in that greenhouse still yourself?

A. Yes, sir.

Q. About how much?

A. About \$300.00.

Q. And were you present when Raubunas put his money in?

A. Yes.

Q. Who else put money in?

A. I believe Mr. Kaplan put a few dollars in.

Q. Do you remember the amount?

A. \$500.00.

Q. Now, have you named all the people and what amount put in?

A. That is about all.

Q. You say that is about all. That leaves a kind of loop-hole there.

A. From what I remember of.

Q. And was anything said about buying protection?

A. No, sir.

Q. That was not discussed, was it?

A. No, sir.

The Witness: When we got the still operating we manufactured moonshine, and sold it. There were profits. They were not divided among the partners. We put it right back in the business, to buy more material, and so forth. When we got the Beisner farm still going, we 993 manufactured some moonshine, and sold it. We did not divide up any money, we put it back in the business for material. When the agents arrested me at the Beisner farm, they didn't ask questions about the greenhouse, they didn't seem to know about that.

When we came over to court at the time the Beisner case was presented in court, Mr. Marowitz was my lawyer, and Mr. Kretske was the lawyer for Mr. Beisner.

At the time I received an hour in the custody of the marshal, Mr. Ward was representing the government, before Judge Wilkerson. I believe Mr. Ward showed the pictures to the Judge. Mr. Ward made a speech there for me after the Senator, my lawyer, had made a speech for me, Mr. Ward recommended to the Judge that I get an hour—he didn't tell me why he did that. I never discussed with my nephew what arrangement he was making in return for his testimony before the Grand Jury. He did not tell me that he insisted on some protection for me. I never talked to him about it. When he was before the Grand Jury, I was out on bond.

Q. Now, when you were over in the Insurance Exchange Building there discussing and getting people out on bond,

you folks were anxious to get the farmer out so he wouldn't tell what he knew about you, isn't that right?

A. Not necessarily about me, no, about all of us.

Q. About all of you, all of the partners in the still. You didn't want the farmer to go and cooperate with the Government against you, isn't that right?

A. That is right.

Q. And in order to keep him from doing that, you wanted to show the farmer you were helping him by getting him out on bond, that was your motive?

A. That is right.

Q. And you were not so very much interested in Widzes because he was a partner, isn't that true?

A. That is right.

994 Q. And you were not so very much interested in Neiss, because he was a mechanic, and he belonged to a different crowd, that is right too, isn't it?

A. Yes, sir, that is right.

Q. So your main interest was in the farmer?

A. That is right.

Q. And you were willing to help the farmer in so far as it would cost you money to pay for a bond?

A. That is right.

Q. And you were willing to help the farmer in paying for a lawyer, and arranging for a lawyer, isn't that true?

A. That is right.

Q. And that was the object of your discussion?

A. That is right.

*Redirect Examination by Mr. Ward.*

Something was said about the tendency of the farmer to talk a little bit if they didn't take care of him. That was discussed with Mr. Dewes and Raubunas and myself every time we met. It was discussed in Kretske's office too.

You used my nephew Dvorak as a witness for the Government. I was present when he testified. He worked out at the Beisner farm.

My activities in the Dukett case preceded my activity in the Beisner case. When I was placed on probation before Judge Holly there was only one indictment pending against me at that time.

(Whereupon EXHIBIT NO. 156, being the file of the District Attorney's office in indictment #31201, Emil Beisner, Edward Dewes and Victor Raubunas, which indict-

ment was returned on November 1, 1938, was received in evidence. Also EXHIBIT NO. 157, being the file of the District Attorney's office in indictment #31193, Harry Dukett, alias Harry Brown, Harry Hershel, Edward Farber and Jack Weber, which indictment was returned on November 1, 1938, was received in evidence.)

995 When the probation officer was making his investigation, I believe something was said about the Beisner farm.

(Whereupon photostats of still, exhibits 138 to 155 both inclusive were shown to the jury.)

(Witness excused.)

WILLIAM I. CONNORS, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is William I. Connors, I am a special investigator, Alcohol Tax Unit. I made the investigation in the Union Illinois still case, which resulted in the indictment of Harry Dukett, Jack Weber and Edward Farber. It was a 350 gallon moonshine still and a 500 gallon second run still. I recall being present in court on that case. The Government was represented by the defendant Glasser. I was in court frequently on that case, from November 1938 to May 1939. Before the indictment was returned, I saw Mr. Glasser from time to time. The case during that time was not under investigation.

Q. What would be your reasons for going over to see Mr. Glasser?

Mr. Stewart: I object to that. He can tell what was said, but not what his reasons were.

The Court: Objection sustained.

Mr. Ward: Q. What were the reasons for going there, if material—

The Court: Objection sustained.

Mr. Ward: His reasons for going over to Mr. Glasser, in his official capacity, of course, that is what I am driving at.

Q. Why did you go over to see Mr. Glasser?

Mr. Stewart: I object.

The Court: Q. Why did you go?

Q. To inquire about the progress of the case.

996 Mr. Ward: Q. Did you hold conversations with him from time to time?

A. I did.

The Witness: I don't remember exactly what was said, it was over a period of time. I have been with the Alcohol Tax Unit in Chicago since November 1927. I have frequently visited Mr. Glasser's office. I have seen Yarrio, Exhibit 118, in Mr. Glasser's office on two occasions. It was during the time that I was inquiring about this case, I don't know exactly when. I know that is the same Yarrio or Sheenie Albert who was the defendant in the United States versus Workman. I attended court in the Weber-Dukett-Farber case before Judge Holly about fifteen or twenty times. I subpoenaed the witnesses. And those who were present I remained with during the time that they were there. I attended court there on that case with Mr. Glasser and I was ready for the Government. I know the defendant Roth, he was there on most occasions. As I recall it, he represented Harry Dukett, and that is as I recall it. I was present on the day the pleas of guilty were entered for Farber and Weber before Judge Holly. At that time Mr. Farber's attorney passed over to the court some documents. I didn't see what they were, and nothing was said. No evidence was presented as to Farber to the court, and he was granted probation. To the best of my recollection there was no preliminary investigation made as to Farber. In Weber's case Mr. Glasser asked the court to refer him to the probation office for investigation, so that at the date the case was to be heard, that the Judge would have the investigation. I know that at that time Weber was on probation for assaulting a Government officer. Nothing was said about the facts in the case to Judge Holly. Harry Dukett's case came up in May 1939. You represented the Government, Mr. Ward, the case was transferred from Judge Holly's court to Judge Woodward. Mr. Roth was there at the time of the transfer. He changed  
997 the plea to guilty, and the Judge transferred the case regardless. Later on the case appeared before Judge Igoe, where Dukett was sentenced to the penitentiary. At the time when Farber and Weber's case was discussed before Judge Holly Mr. Glasser did not show the pictures to the Judge.

(Witness excused.)



HARRY DUKATT, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is Harry Dukatt, at the present time I am an inmate of the Federal Penitentiary at Sanstone, Minnesota. I was convicted for an alcohol tax violation here in May 1939. I was indicted in a case with Farber and Weber November 1, 1938. The case was before Judge Holly and I entered a plea of not guilty, my lawyer was the defendant Roth, I don't remember how many times I was in Judge Holly's courtroom, I was there several times. I remember the morning that the case was going up before Judge Woodward, my lawyer said something about your wanting to take it away from Judge Holly to Judge Woodward. I had another case pending before Judge Woodward at that time. I remember the case I was convicted on before Judge Igoe. The one I was before Judge Igoe on, was a different case than the one I was on before Judge Holly. I pled guilty to two convictions. I know the defendant Glasser since the last part of 1937. Mr. Roth introduced me to him in the Federal Building once. At that time I was going under the name of Harry Brown. That was before my hearing before the Commissioner, that I met Glasser. Nothing was said, Roth just introduced me to him. Before that time I had never met Mr. Glasser. I know the defendant Kretske since the last part of 1937. I knew him before that to see him, but I never knew him to talk to.

I knew him to see him probably several years.

998 I was arrested on May 13, 1938 in connection with a still found at 809 East 40th Street, Mr. Roth was my lawyer in that case, I was released on bond, my bondsman was the defendant Horton. I did not pay for the bond, some people I associated with did. I employed Roth in my case right after I was out on bond. I talked to Roth about the case, he didn't quite seem to understand what I told him about the case. I was arrested not in any still. I was arrested on the outside. He thought I had a good chance before the Commissioner, he didn't see anything wrong. He didn't say anything about having it thrown out, but he said he didn't think they had anything on me, being picked up on the street. He thought my chances



were very good. When I got to the Commissioner's hearing, Mr. Glasser was there. He didn't speak to me, he just looked at me, that is all. I wouldn't say he said hello. I don't remember what was said before the Commissioner, I was very far away from the end of the table, they were closer. I don't remember exactly every word that was said there, but I do remember they called up the Federal men there, they said something about not having enough evidence, they said something concerning evidence, and the Commissioner evidently dismissed me. There were two Federal men there by the name of McElroy and Rossner, but I am not positive it was them, but I think it was McElroy and Rossner. To be honest with you, I didn't hear what was said. I was so happy to be discharged and get out of there, I didn't hear a lot of words. Now, whether he discharged me or no-billed me I don't recall.

Q. You say you suddenly became happy?

A. That is right.

Q. What did you hear that made you become suddenly happy?

A. Well, because I was discharged.

Q. Who did you hear say that?

A. The Commissioner.

The Witness: There were other men connected with that still. They were all convicted, they all pled guilty, there was six of us. I did not have any talk with Mr. Roth about his representing any other person connected with that still.

Tony Horton took me out on bond only once. After 999 I was discharged before the Commissioner I was indicted on that same case. Mr. Roth represented me in that case. After I was indicted, Mr. Roth wanted to find out about the case. He came in the building with me, but I don't remember what floor I went to.

Q. You looked at some file?

A. Well, I didn't look at any file, he was just showing something about an indictment, what I was indicted for and I happened to see something about the Government men following me.

Q. What?

A. I happened to see something when the Government men were following me.

Q. You mean you read a report?

A. Well, I didn't have any report. He was shown some papers about my indictment, and I happened to glance over it and seen a few words concerning me.

Q. You saw something about the Government following you?

A. Yes, sir.

Q. You don't know whether that was an indictment or not, do you?

A. I couldn't tell you that.

Q. Did you see Mr. Roth making a lot of notes at that time?

A. I don't know how many notes he made, I wouldn't say how many notes he made.

Q. That was just to refresh your recollection at the time, does that refresh your recollection?

A. He just wrote something down.

Q. Well, you knew at that time it was an officer's report, didn't you?

A. Well, I really don't know what it really was. I wanted to know what I was indicted for.

Q. Well, would this refresh your recollection? (Handing document to witness.) In other words, I have the report, I was reading here, the officer's report of the investigation, the report, "As much as I saw seemed to be 1000 correct in stating my movements". Does that refresh your recollection?

A. Well, there were a few times I happened to see where the Government followed me, that happened to refresh my memory, seeing it was me, that is about all I remembered.

Q. Now, on the second case that you had, did you have any discussion with Mr. Roth about probation?

A. Well, I had him handle both cases for me.

Q. The case you had before Judge Holly?

A. Yes, sir.

Q. Mr. Roth discussed probation with you?

A. That is the only thing—

Q. Keep your voice up.

A. The only thing Mr. Roth discussed with me was he thought I had a good chance to get probation, because I was never indicted before in my life at any time with any crime, but he wouldn't guarantee me nothing.

Mr. Ward: Will you mark this Exhibit 158?

(Document so marked.)

Mr. Ward: Q. Will you look at this, as being part of a report in your case, does that look like the report you were reading from with Mr. Roth?

A. Well, to be honest with you, I don't just remember,

I don't know if it was this size of paper or larger, I don't remember, because I really didn't pay much attention at that time.

The Witness: I have been to the 1933 Grill on Dearborn Street, I had lunch with Kretske there, several times. On one occasion I had lunch with Kretske, and he told me he had to go and meet Mr. Glasser and I waited for him. When he came back he didn't say nothing to me. He never discussed it, I never asked him nothing. He said he had an appointment with Mr. Glasser. When he came back he said he had been to see Mr. Glasser, he came back so fast I asked him if he saw him, he said yes, and that is all that took place. My case was pending at 1001 that time. I talked to Mr. Kretske about it several times.

Q. What did he say to you?

A. Well, on the several times I talked to him I asked him if there was anything he could do for me with Mr. Glasser, and he told me he couldn't do nothing.

Q. Didn't he say—

Mr. Callaghan: I object to this, this question, obviously it is going to be leading. Didn't he say? Let the witness testify.

The Court: That is to refresh his memory.

Mr. Ward: Yes, that is to refresh your recollection. Did I say Kretske told you you didn't have anything to worry about?

A. Mr. Kretske told me that I didn't have nothing to worry about, that I had a good chance to get probation, that I had no record of no kind.

Q. All right. I see. Now, when Mr. Kretske left you that day, and said he was going to see Glasser, did you say you would go with him?

A. I asked him if he wanted me. He told me no, it was something confidential, he wanted to see him, and he would be right back.

Q. And after Kretske returned, you had lunch together, didn't you?

A. Yes, sir.

*Cross-Examination by Mr. Stewart.*

I was happy to get out of the Commissioner's office, and I will be happy to get off this chair, I suppose.

(Witness excused.)

BESS JEFFERY, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is Miss Bess Jeffery, I am employed in the United States Attorney's office, and have been for at least ten years. I take care of vouchers, and I take care of 1002 the Commissioner's docket, and make the reports, at the end of the month, of the Commissioner's cases. When people are held to the District Court to await the action of the Grand Jury I enter that finding in the Commissioner's docket of our office. When the indictment is written it comes to me and then I take the Commissioner's report, if there is one, and then send it and attach it and if I am not sure if the Commissioner's report and the indictment are the exact same, I go to the Attorney and ask him. Each assistant draws his own indictment. I talked to Mr. Glasser about the Peter Hodorowicz and Walter Hort case about the 6th of June, when the indictment came through. I was not absolutely sure my Commissioner's report and the indictment were the same, and I took the Commissioner's report and indictment to him, and asked him about it, and he said it was the same case, and I marked it on the Commissioner's report. I had the indictment in which Peter Hodorowicz, Clem Dowiat, Frank Hodorowicz and Mike Hodorowicz were mentioned, I wanted to find out whether the Pete Hodorowicz case which was held over by the United States Commissioner Walker, was the same case as covered by the allegations of the indictment. So far as the records of our office is concerned, that would ~~close~~ close the case out on our books. The Walter Hort case is still pending. I did not have any talk with Mr. Glasser about that.

(Whereupon EXHIBIT #159 which is the Commissioner's report #19076 was received in evidence.)

(Witness excused.)

GORDON MORGAN, recalled as a witness on behalf of the Government, having been previously sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

Mr. Ward: It is stipulated that the Grand Jury report for June, 1937 indicates that Mr. Glasser appeared before the Grand Jury, and that special agent Donoghue was a witness. That that Jury had before it for consideration certain facts regarding a violation of section 1181, 1003 title 26 of the United States Code, and Section 201 of the revenue laws of 1934. That the subject under investigation was Peter Hodorowicz and Walter Hort. That the day that was presented was June 24, 1937. That the Grand Jury voted a true bill on that day. At the request of Daniel Glasser, Assistant United States Attorney, withdrawn and passed to the next Grand Jury, July 1, 1937.

It is further stipulated that Assistant United States Attorney Glasser never re-presented the Peter Hodorowicz and Walter Hort case to any Grand Jury subsequent to July 1, 1937.

It is further stipulated that on October 6, 1937, Assistant United States Attorney Glasser appeared before the Grand Jury, and they had before it the subject Clem Dowiat, the case of Clem Dowiat, at which time there was a no-bill returned by the Grand Jury.

The Witness: Mr. Glasser ceased to handle the alcohol tax call March 20, 1939.

(Witness excused.)

CHARLES O. KRAL, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. McGreal.*

My name is Charles O. Kral, I am an investigator, Alcohol Tax Unit, I served a search warrant on the premises in the 3600 block West 111th Street, on December 31, 1937, investigators Newall and Gilbert were with me. We seized 706 gallons of untaxpaid alcohol there. We arrested

John J. and James B. Jankowski, I did not investigate those premises prior to the seizure. This was known as a place where alcohol was concealed. The alcohol there came from a recooking still at 6949 Stony Island Avenue.

(Witness excused.)

1004 THOMAS BAILEY, recalled as a witness on behalf of the Government, having been previously sworn, was examined and testified as follows:

*Direct Examination by Mr. McGreal.*

I am the same Thomas Bailey that testified heretofore. I have been connected with the Alcohol Tax Unit since 1926. During the fall of the year 1937 I was assigned to an investigation of the Hodorowicz Brothers. That is Frank, Mike, Pete and Anthony. On or about December 1, 1937, I started in the serving of a search warrant on the premises at Stony Island Avenue and arrested the Tony Hodorowicz who testified in this case and had some difficulty with him. He said he wasn't going to jail, and I told him he was, he broke loose and ran, and I caught him and brought him back. He broke loose and I caught him four or five times so I told him I would have to subdue him unless he submitted to arrest, he said he was not going to jail, so I subdued him. He went to jail but before that he went to the hospital. I appeared before the United States Commissioner in that case, the defendant Roth represented the defendants, and Glasser the Government. I had previously told Mr. Glasser that we would like a continuance of the case, as we had some under cover men working in town, and I didn't want their identity to be disclosed. Mr. Glasser then told the Commissioner that we would like a continuance, we then went into the Commissioner's chambers with the Commissioner, Mr. Roth, Mr. Glasser and myself. After the continuance was granted, we returned to Mr. Glasser's office.

Q. Will you tell the Court and Jury just what was said by you and what was said by him?

A. Mr. Newall was again present, Investigator Newell, and I told Mr. Glasser that I had an excellent case on the Stony Island still, that that we had connected the Hodorowicz brothers with that still. Mr. Glasser said, "That



sounds like it might be a big case." He said, "I would like to have a case that would take about two weeks 1005 to try." And I said, "I have just got the case for you, Mr. Glasser." And then I explained the conspiracy case that I had involving the Hodorowicz Brothers and a number of other defendants. I told him I had connected the Hodorowicz brothers with not only the Stony Island Still, but with a still at East Chicago where Victor Joppek had been killed, when the still exploded, or died in the still room when the still exploded, and some other stills in Chicago; a large drop on 111th Street where seven hundred and some gallons of alcohol had been seized, and that in addition to that, through under-cover agents I had made two purchases of alcohol from the Hodorowicz brothers involving Frank Hodorowicz, Mike Hodorowicz and Pete Hodorowicz. Mr. Glasser said, "Well, I am glad you have a case against the Hodorowicz brothers, as there is hardly a week passes that Mr. Igoe does not ask me if we have a case against the Hodorowicz Brothers." At that time I said I would like to talk to Mr. Igoe about the case. Mr. Igoe at that time was the United States Attorney. Mr. Glasser said, "Well, I suppose I can arrange it." And then went to the telephone and called up Mr. Igoe's office, and turned to me and said, "All right, come on in." Mr. Glasser, Mr. Newell and myself went to the office of United States Attorney Igoe. Mr. Glasser introduced Newell and myself to Mr. Igoe, and then told Mr. Igoe that I had involved the Hodorowicz brothers in a number of violations, and had quite a case against them. Mr. Igoe said he was glad that our Department had someone who could catch those fellows. That he had been after them for a long time. Mr. Igoe then turned to Mr. Glasser, and he said, "I am very much interested in this case, and when you have it ready for the Grand Jury I want you to notify me." Mr. Glasser said that he would. We then left Mr. Igoe's office and returned to Glasser's office, and had a further discussion about the Hodorowicz case, and Mr. Glasser said, "If you have your report ready, I will present this case to the Grand Jury by about February 18th."

The Witness: I had further discussions with Mr. Glasser on many occasions during the months of February and March, 1938. I talked to Mr. Glasser on March 21, 1938 about the seizure of the Dowiat car. There was a



libel pending against the car at that time. Mr. 1006 Glasser on that occasion said to me, "You have a good case against those Hodorowicz brothers, they will get five years." I said, "I suppose they deserve it but I would settle for three if we could get it for them." On March 31, 1938 Mr. Glasser told me an attorney had been in touch with him for the Hodorowicz brothers, and he told me, "Frank Hodorowicz wants to enter a plea of guilty if he can take a light sentence," but I told him I didn't think we should accept any such plea. I told him I was preparing a conspiracy case report and that it would take several weeks to complete it. On the 21st of April I brought that report to Mr. Glasser's office. Exhibit 160 is that report. In addition the Hodorowiczs, other individuals named as prospective defendants were, Swanson and Del Rocco, Dowiat, Walter Hort, Victor Joppek, Steve Skupka, John Kazmierczak, John Cincio, John Hongera, James A. Jankowski, John Jankowski and Clarence H. Young. I delivered that report to Mr. Glasser in person and saw it on his desk, and discussed it with him on many occasions. When I delivered the report to Mr. Glasser, he said he would present it the following month to the Grand Jury. On May 9, 1938, I had a conference with Mr. Glasser in his office, and he said he would present the two purchases of alcohol made from the Hodorowicz brothers to the Grand Jury later that month, these were two substantive violations that were included in the conspiracy report, but didn't include the entire report. On that occasion I asked Mr. Glasser to spend about three evenings with me going over the report so that he might understand it. He said he would that, but he never did. On May 31st I had another conference with Mr. Glasser to present the Hodorowicz case, and he said he would present the buy-cases to the Grand Jury, and would later present the conspiracy case. Mr. Smallwood was along, another investigator. I arranged for the witnesses who appeared before the Grand Jury during the month of May or June, 1938, I was present when they went before the Grand Jury but I didn't enter the Grand Jury room. I didn't testify. On June 3, 1938 the Grand Jury returned a true bill against Frank, Mike and Pete Hodorowicz and Clem Dowiat. On June 14, 1938 I had a conversation with Mike Hodorowicz and as a result of that I saw Clem Dowiat at the Hodorowicz store. On the 27th of 1007 June, Mr. Glasser told me he would that he would present the conspiracy case the following month, that

was July. Exhibit #161 is the indictment of Frank Hodorowicz, Mike Hodorowicz, Pete Hodorowicz and Clem Dowiat, that is case #31013. Exhibit #162 is indictment #31014, the defendants are Frank Hodorowicz, Pete Hodorowicz and Clem Dowiat. They were the two cases that I mentioned when I referred to "buy" cases. They charged them in one case with the sale of twenty-five gallons of alcohol on the 19th of December, 1937 and the other with thirty-five gallons of alcohol, on the 21st of December, 1937. Subsequent to the return of the indictments I went to Mr. Glasser's office, and Mr. Ritter was there at that time. Mr. Glasser said he had the indictments all mixed up in the Hodorowicz case. That where he charged the purchase of 7 five-gallon cans, he should have charged the purchase of 5 five-gallon cans, and where he charged the purchase of 5 five-gallon cans, he should have charged the purchase of 7 five-gallon cans. I said, "We are going to have a hell of a time in court with these indictments." That was about January 28, 1939. Mr. Glasser never presented the conspiracy case. On the 12th of July, 1938, I attended the arraignment of Frank, Peter and Mike Hodorowicz in Judge Woodward's courtroom, they were there and Mr. Roth, Mr. Glasser and myself, Clem Dowiat was not there.

Q. And after you left the court room did you have a conversation with anyone?

A. Before I came into the court room, I had been up in Mr. Glasser's office, and I saw Frank Hodorowicz in his office. While I was standing there Mr. Frank Hodorowicz said to Mr. Glasser, "How did you like that whiskey I sent you?" And Mr. Glasser said, "Well, that is all gone long ago, I gave most of it away." A few minutes later I walked out of Mr. Glasser's office and came down to the corridor outside of the court room. I saw the defendants, the Hodorowicz brothers in the corridor, and Mr. Glasser walked into the court room, and I saw Mr. Roth in the corridor outside of the court room.

Q. Did you have any conversation with Mr. Roth?

A. I did.

1008 Q. What did you say to him, and what did he say to you?

A. I said to Mr. Roth, "I see the three Hodorowicz brothers here, but I don't see Clem Dowiat. Where is he?" Mr. Roth said, "Well, he is only a boy, he works on a farm, and he says he does not even know he has

been indicted." And he said, "I am going in and ask for a continuance of the case until we can locate Dowiat." I said, "Mr. Roth, that is not so. Dowiat works for Frank Hodorowicz every day, that within the last few days I have seen Dowiat at Frank Hodorowicz's store, and if you ask for a continuance on this ground, I am going to tell the Judge the truth." Mr. Roth then left me and walked in the court room. And a few minutes later I saw him talking to Mr. Glasser, and I didn't overhear the conversation. And a short time later the case was called, and Mr. Roth entered a plea of Not Guilty for Frank Hodorowicz, Mike Hodorowicz and Pete Hodorowicz, and a day was set for trial.

Q. Now, did you leave the court room at that time?

A. Yes, I did.

Q. Did you see anybody?

A. I left the court room and got to the circle in the corridor, and saw Mike Hodorowicz, Pete Hodorowicz, Frank Hodorowicz, and the wife of Frank Hodorowicz standing together talking to Mr. Glasser. As I came past, Mr. Glasser talked out, commenting in a loud tone of voice, and said, "Frank if I don't get you five years, Bailey here is going to get my job." I smiled and made no comment, and went on my way.

The Witness: On September 28th, hearing in court with regard to the Dowiat automobile case came up and was continued. I talked to Mr. Glasser in his office at that time and he told me he could present the conspiracy case the following month. He told me at that time that the Hodorowicz case was set for October 3rd, and that the Hodorowicz brothers had hired Mr. Hess as their attorney. Mr. Roth was not in the case again after the arraignment. Mr. Hess appeared. I asked Mr. Glasser at that time to present the Hodorowicz case, as I had reliable information that the brothers were still violating the same as they had ever done. And that he ought

1009 to get them away. The case was continued from October 18th to November 14th and from then to December 7th. Mr. Glasser asked for all the continuances. The other lawyers did not. On January 31st, 1939 the case was continued to February 1st, when the trial started before Judge Woodward. Clem Dowiat was there, and Mr. Hess represented all the defendants. There was a Jury trial. At the close of the Government's evidence,

there was a directed verdict in the first case in favor of Frank Hodorowicz and Peter Hodorowicz. The case continued against Mike Hodorowicz and Clem Dowiat and they were found guilty. In the second case Peter Hodorowicz, Frank Hodorowicz and Clem Dowiat were tried and they were found guilty by a Jury.

Q. And what sentence did Frank Hodorowicz receive?

Mr. Stewart: That has all been gone over. I object to it in the interest of saving time.

The Court: It has been proven two or three times. It might refresh our recollection.

Mr. McGreal: It might refresh our recollection?

The Court: Yes.

A. Frank Hodorowicz received a year and a day. Mike and Pete Hodorowicz and Clem Dowiat received nine months. I was in court at the time the Judge sentenced these men. Nothing was said by Mr. Glasser about my conspiracy report which is exhibit 160. Mr. Glasser did not give the court any history of the defendants. As I recall that occasion, Mr. Hess asked for probation for the defendants, and put up quite an argument, asking for probation, and the Judge said, "I have listened to this case very attentively, and this is not a case for probation." Mr. Glasser had nothing to say. As we left the court-room Mr. Glasser or Mr. Hess, notified the court that he was going to appeal the case, and the defendants, were admitted to bond, or permitted to go on their own bond. Anyway, they left the court-room, and as I got out of the court-room, I had a conversation with Frank Hodorowicz. As a result of that conversation I made an appointment for Frank Hodorowicz to meet me at the 1010 office of the Alcohol Tax Unit, two days later, which was March 22nd, 1939.

(Witness temporarily excused.)

WILLIAM J. BRANTON, a witness produced on behalf of the Government, having been previously sworn, resumed the stand:

Mr. Stewart: Your Honor, I asked this man to come back for cross-examination, but I don't want to cross-examine him. I don't want anything to do with him.

(Witness excused.)

THOMAS BAILEY, having been previously sworn, resumed the stand and testified as follows:

*Direct Examination (Resumed) by Mr. McGreal.*

At the time I presented the conspiracy report to Mr. Glasser, I also presented exhibit 163 which are the exhibits in the case, photographs and so forth. I turned them over to Miss McGarry April 21, 1938. On March 22, 1939 Frank Hodorowicz appeared at our office and conferred with Mr. Herrick and myself. As a result of that Mr. Herrick had a conference with the United States Attorney, and I was appointed to work out of the United States Attorney's office on the case that is being tried here now. I was instructed to work with the Federal Bureau of Investigation in this investigation.

(Whereupon EXHIBITS NOS. 160 and 163 were received in evidence and read to the Jury.)

(Witness excused.)

Mr. Ward: It is stipulated that on October 6, 1937 a man by the name of Egiste Oleski was before the Grand Jury charged with violation of the alcohol tax law; that Roy Kinlock the agent, testified, and Glasser represented the Government. The Grand Jury returned a no-bill;

That Charles Banks, D. H. Reid, John Jursech and William Gehrke were before that Grand Jury charged 1011 with violation of the alcohol tax law; the Government being represented by Glasser; that a man by the name of Harry Samaski and T. T. Cookley appeared as witnesses and there was a true bill as to Joe Serevino and John Horn, subject to the consideration for proper identification, and a no-bill as to William Gehrke, John Severino and D. H. Reid; that on October 27, 1937 the case was passed to the next Grand Jury at the request of Mr. Glasser.

(Whereupon EXHIBITS numbered respectively 164, 164-A, 165, 166, 167, 168, 169, 170, 170-A, 171, and 172 were received in evidence.)

(Whereupon the statements of the witnesses Raubunas and Dewes made on October 20, 1939 were offered in evidence, to which offer the defendants object and which said objection is sustained.)

(Whereupon on objection by the defendants to the re-

ceipt of exhibit 158 in evidence the prosecution withdrew their offer of said exhibit.)

(Whereupon the prosecution made a bulk offer of all exhibits to which the defendants made a bulk objection.)

E. H. STEPHENSON, called as a witness on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. McGreal.*

My name is E. H. Stephenson, I am an agent of the Alcohol Tax Unit. On April 29, 1937 I went with investigators Newell, Ward and Rossner to 10505 S. Wallace, with a search warrant. We found 150 gallons of alcohol and four gallons of uncolored spirits. We arrested William Wroblewski. I appeared before the United States Commissioner in that case and later learned that there was an indictment returned.

(Witness excused.)

1012 VICTOR RAUBUNAS, recalled as a witness on behalf of the Government, having been previously

sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

Mr. Ward: Let the record show Mr. Raubunas is recalled. You sent word to me that you wanted to be called back on the witness stand, is that right?

A. That is right, I want to explain.

Q. What is it you want to explain?

A. I want to explain that one that there that went so fast, I never keep in mind. I was asked a question about Bishop Shiels, about fixing case. I want to say, Judge, let me explain, but I thought maybe I not got rights on it.

The Court: Go ahead.

A. Louis Kaplan come over and to Bob Graven from the gas station, on June 18, 1939, to my home at 8:30 in the morning. I don't know the date, but it was Monday. He come to my home and I was home. He said, "Now, we are in trouble." I say, "Yes, I have that subpoena in



the Spring Grove in my pocket." Louis Kaplan say, "We are in trouble, we are in trouble." I said, "Yes, I got subpoena, got big trouble now." He says, "We got to look for man to fix case. My friend Glasser is resign from office and is going to open his own office", he tell me, some place on La Salle street. He says, "what has Bishop Shiels got to with it?"

The Court: Who said that?

A. He said, "Bishop Shiels is put United States Attorney Campbell in office."

Mr. Ward: Who said that?

A. Louie Kaplan. He say, "You got to look for man and see Campbell. Maybe you churchman, maybe you Catholic." I said, "I don't know Bishop Shiels has nothing to do with this." He talk to me, and Bob Graven, they say, I should go and talk to him. I say, "I don't know what to say to Bishop Shiels." Well, I change 1013 my mind and say, "you drive my car to my church, Nativity, 68th and Washington." I find my priest and show him my indictment papers subpoena to the court. I say, "Father can I go to Bishop Shiels and talk?" He look on that subpoena and say, "I don't know, I don't think so; Bishop Shiels can't talk on that." "Of course," he say to me, "if you want to go, Bishop Shiels won't hear you." I say, "all right," and I tell Louis Kaplan to drive me. Father, my priest, gave me name and say to go in and talk. He say, "I don't think he can do anything." I told the address 3500 North Paulina, the Bishop Shiels' Parish, and Louis Kaplan drive me for Mass. I go to Bishop Shiels' church, go to the hallway. An office girl was sitting there and she say to me, "What do you want?" "I want to see Bishop Shiels," and I show my Father's name. She says, "Bishop Shiels just left, but if you got your Priest's name, I will give you the address and maybe you find him there, 31 East Congress Street. That is the CYO." Louis drive me there and I wait for Bishop Shiels. I asked a fellow there and he say, "Bishop Shiels is busy, but sit down and wait." Then Bishop Shiels call me, I go in there, and like all Catholics, kiss the ring. He says to me, "Sit down, what can I do for you?" I tell him I got trouble and pull my subpoena out and show him. He look at it and say, "Very, very sorry, I not interfere with such kind of things. I can't help." I tell him thanks and kiss the ring again and walk out to Louis



Kaplan and tell him that. I walk out to Louis Kaplan in the car and sit down in the back and Bob says, "You must get big man to talk to Bishop Shiels. You too small man." He says, "I got big man." I say, "Well, if you have, all right." Bob say we go some piace on 68th and South Ashland, but I will not go no place. I say, "Take me home." I say to Bob, "If you tell me like this, I believe it, but take me home", and they take me home.

Mr. Ward: Q. That is what you wanted to come here and tell?

A. Yes, I can't sleep for three days.

(Witness excused.)

Mr. Ward: The Government rests.

1015 Thereupon, on motion of the defendants by their respective counsels, the Government elected to stand on count two of the indictment and count one was accordingly dismissed by the order of court.

Thereupon, the defendants by their counsel, entered their respective motions for a directed verdict of not guilty at the close of the Government's case, which motions for a directed verdict were, after arguments by counsel, overruled and denied, to which denial of the court the defendants, by their counsel, duly excepted. The motion of the defendant Alfred E. Roth for a directed verdict of not guilty, being in words and figures as follows:

1016 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

**MOTION OF ALFRED E. ROTH, ONE OF THE DEFENDANTS HEREIN, FOR A DIRECTED VERDICT OF NOT GUILTY ON BOTH COUNTS OF THE INDICTMENT HEREIN AT THE CLOSE OF THE GOVERNMENT'S CASE.**

Now comes Alfred E. Roth, one of the defendants herein at the close of the Government's case and moves the Court to direct a verdict of not guilty on both counts of the indictment herein on the following grounds:

1. The indictment charges a conspiracy to solicit certain persons to make promises—there is no proof of any solicitation by or on behalf of this defendant or payment

of any money to or by or on behalf of this defendant for any unlawful purposes.

2. The Bill of Particulars does not allege the solicitation of or payment to or by this defendant of any money for any purpose and there is no proof of any solicitation of or payment to or by this defendant of any money for any unlawful purpose.

3. The evidence is insufficient in law to sustain a conviction.

4. There is no competent evidence in the record to justify submitting the case to the Jury.

5. The evidence fails to establish an agreement with this defendant and any other defendant or co-conspirator to commit the offenses charged.

6. There is no evidence of any act of any co-defendant or co-conspirator nor any independent evidence showing this defendant to be a party to the alleged conspiracy.

1017 7. The existence of the alleged conspiracy has not been established.

8. The evidence is consistent with innocence.

Alfred E. Roth.

Thereupon the defendants by their respective counsels moved to strike and exclude the testimony of the Government's witnesses, Victor J. Dowd and Alexander Campbell, which motions were, by the court, overruled and denied, to which denial the defendants by their counsels duly excepted.

And thereupon the defendants to maintain the issues on their behalf, introduced the following evidence, to-wit:

1018 JOHN P. BARNES, called as a witness on behalf of the Defendant Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is John P. Barnes. I hold an official position here, that of U. S. District Judge Northern District of Illinois. I have held that position nearly nine years, and during the time I have been holding court here, Mr. Glasser appeared before me as a representative of the Government.

Q. I wish to direct your attention particularly to a

case which has been testified to here which involved a libel wherein a car was petitioned for by a Mrs. Battelli and Mr. Roth, one of the Defendants here, appeared before you as attorney for the Petitioner, and Mr. Glasser appeared as attorney for the Government. Do you remember that case, Judge?

A. I think I do. I would like to see the Agent's statement, however.

Mr. Stewart: May we have it?

The Witness: Read it to me. I didn't see it, somebody read it to me.

Mr. Stewart: I will read it. The basis of forfeiture. Have you a number on this, Mr. Ward?

Mr. McGreal: It is Number 36.

Mr. Stewart: It is from the file of Number 36 in evidence here. "Immediately behind the residence building in which an illicit distillery was seized, was a two-car frame and tile garage. This garage was nearly connected with the residence, there being only a space of about fifteen inches from the southwest corner of the said residence to the northeast corner of the garage, and the subject, automobile, was in this garage, at the time of seizure. 1019 In its rear apartment or trunk were marks or rings on the floor where cans of alcohol had been sitting. These marks were very pronounced, and showed plainly where the corners of the cans had been cut into the wood of the trunk separation. Thus, inasmuch as the car had been used, and in furtherance of a scheme to defraud the Government of the tax imposed on distilled spirits, and was personal property found upon the premises of the illicit distiller, which is forfeitable."

I have just read you the Agent's report.

The Witness: I remember that case, the claimant was the wife of the bootlegger.

A. Yes, sir, I remember that.

Q. And did you, Judge, with the knowledge of the case—

A. The case was tried on that statement.

Q. That is right.

A. I dismissed the libel.

Q. And the Agent, Mr. Dows, an old man, an old probation agent, a little bit deaf, has testified here, in addition to this report, that there was another car, an old car which was found, which they didn't take?

A. Well, I think there was something like that.

Q. And the point involved here, Judge, is this. Were you sufficiently informed concerning the facts involved in that case to make a decision on the law and the evidence.

A. Well, it is the agents' statement. They never testified to more than their statement. They try their cases frequently on their statements, and that statement is not sufficient to forfeit a car. The car was not in the place where the still was, the car belonged to the wife, and I had no more right to take that car than I had to take yours.

1020 Q. And anything the Agent might have said could not have changed that?

A. Well, he stated in writing what he expected to prove, what he expected to swear to.

Q. And under these circumstances you very often hear the cases without the actual testimony?

A. Very, very frequently.

Q. And did Mr. Roth appear to represent his client, and Mr. Glasser appear to represent the Government in a proper fashion?

A. They not only appeared to, they did.

Q. Now, I am going to direct your attention, Judge, to a case involving a bootlegger who was convicted before you, named Svec, who has several other names, but you remember that individual?

A. I remember Svec.

I remember Mr. Glasser coming to me and telling me that some agent had gotten Mr. Svec to call up Mr. Glasser during the night at the Sherman Hotel.

Q. And when did Mr. Glasser come to you with reference to the next thing that was done, or, did he come to you immediately after this happened?

A. I think he did. My recollection is it was the next day. I wouldn't want to swear to that, it was very shortly after.

I was sitting here as one of the Judges when Mr. Glasser came to me and reported that incident to me.

Q. Now, I want to direct your attention to another case involving a bootlegger connected, I believe, with the Hodorowicz, on that, I might be mistaken, but anyhow, the occasion wherein Colonel Boddie represented the Defendant and Mr. Glasser represented the Government,

1021 and while the case was being heard, or just after it was heard, Mr. Glasser asked that the lawyers be permitted to step in your chambers, and something was said about a fix being in the case, you remember that?

A. I remember that case very well.

Well, you promoted Captain Boddie, and you demoted Captain Glasser. Captain Boddie was defending, and Captain Glasser was prosecuting, and at the conclusion of the case, whether I had imposed sentence or not, I don't remember, or whether I was about to impose sentence, Captain Glasser was acting for the imposition of a severe sentence, and Captain Boddie approached Captain Glasser, and said something to him which I didn't hear. Whereupon Captain Glasser took Captain Boddie by the arm, and walked up to the bench, and said, "Let the Judge in on this." And whereupon Captain Boddie said he would like to retire to chambers. We retired to chambers, and Captain Boddie said he had been informed by his client that that case was fixed. And I came back out into the court room, and I inquired of Captain Glasser—well here, go back a bit. This bootlegger was transporting, got caught transporting liquor and was hauling liquor, and the agents testified to having overheard telephone conversations between this bootlegger who was on trial, and some persons who were selling and transporting liquor to him. Not only one conversation, but several conversations took place, they were supposed to have been near some hardware store down here on the South side. And I said that the only thing suspicious about that case that I can see

was the fact that those folk who were selling the 1022 liquor were not tried, and I wanted to know why, and

Captain Glasser said that the agents had not given him any report of the sellers of the liquor. Well, I said it seemed to me they were the wholesalers, and this fellow was a little fellow, and I wanted to know why the big fellows were not brought in, and I said at that time—I said to the agent, whoever he was, I don't remember, I wanted to know from his superior, and forthwith why the big fellows who were selling the liquor and wholesalers were not indicted. They should have been. They had heard several conversations over the telephone, and I wanted to know why those fellows were not indicted.

That afternoon, and several times during that week, representatives of the alcohol tax Unit came to my chambers and explained why those other agents had not been indicted. The explanation which they gave was this. That the investigation of those wholesalers had been under the charge of an agent who had been employed without sufficient investigation, and they inferred he had been forced

upon them, and sufficient investigation had not been made of him. They implied that he had been a lawyer. That they had found that he was wrong. That they had asked him to make a report on these folk, Hodorowicz, I think they were the wholesalers. That the report which he turned in was so hodgepodge that they couldn't do anything with it, and that therefore, they had not transmitted it to the State's Attorney or the District Attorney for prosecution and that was the reason the wholesalers had not been indicted, and why no report had been made up on that, and that that agent who had gone wrong, and 1023 who had failed to make the report which was intelligible had been discharged and left the service.

My call is a busy one here in this district and has been for some time, and that included a large number of cases in which Mr. Glasser, during the time he represented the United States Government, appeared before me. I had an opportunity to observe his work.

Q. And did you have an opportunity of learning the general reputation that Mr. Glasser had, his professional reputation particularly among the Judges and Lawyers and his friends and acquaintances, and those that had passed before the Court?

A. I think I learned his general reputation.

Q. And was that good or bad?

A. Good, excellent.

Q. And as far as you were able to observe, in the conduct of cases before you, in which he represented the Government, did he appear to give the Government a conscientious service, and a service that the Government was entitled to?

A. He never failed to do an excellent job. I think he was an excellent prosecutor. That is my judgment of Captain Glasser. He was an excellent prosecutor, possibly too good for the criminals.

Mr. Ward: No cross-examination.

*Direct Examination by Mr. Poust.*

Mr. Roth appeared representing the defendant in the case of United States *vs.* Svec. I sentenced Svec to the penitentiary, I don't know how long. I observed the manner in which Mr. Roth tried his case for the defendant there.



1024 Q. Did he appear to do his duty in a lawyer-like manner?

A. He did. In that case I never saw him do otherwise.

Q. And that would apply to all the cases?

A. I never saw Mr. Roth try his case otherwise than in a lawyer-like way.

*Direct Examination by Mr. Stewart.*

Q. There have been several cases put in here where the implication has been made that pictures were not shown to the Judges. Now, do you remember whether or not pictures were shown to you in that libel case I spoke about?

A. No, and if anybody tried to show me pictures in that case, that kind of case, I would be impatient. I have tried hundreds of liquor cases and libel cases, and hundreds of still cases, and I know what the pictures look like. They come in in jury cases, I see them when the Jury sees them, too. I have hundreds of pictures of stills, and I know what automobiles look like, and I don't want to see any pictures of them.

Q. And generally the prosecutors appearing before you know that is your attitude?

A. Well, if he does not, he is not fit to be there.

Q. And Mr. Glasser was fit to be there?

A. I think he was.

*Cross-Examination by Mr. Ward.*

Q. In libel cases, the Government files a declaration in which it states that the particular automobile was used in a violation of the Alcohol Tax Law, that is  
1025 true, isn't it?

A. I don't know, I suppose so.

Q. And that you rely on the District Attorney or the Assistant, to give you all the facts which will help you decide that case properly, that is true, isn't it?

A. Yes.

(Witness excused.)



LOUIS KAPLAN, called as a witness on behalf of the Defendants Glasser and Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Louis Kaplan. I didn't ever give Daniel Glasser any money in my life for any purpose. I had no reason to give him anything. I never did. I never did give him any money at any time for any purpose. I never promised him any money for any purpose at any time. I never did give him or promise him anything of value at any time. I did not give Norton Kretske any money during the time that he was an assistant United States Attorney. I did not promise him any. I did not give him or promise him anything of value. I did not come down town here with the witness Raubunas, and leave him at a doorway or near a doorway at the Great Northern Hotel, and walk over and meet the defendant Kretske, and have a conversation with him, walking towards some stairs, downstairs, I never did get in an automobile with the defendant, Daniel Glasser, any time or any place in my life. I did not ever get in an automobile with the defendant, Norton 1026 Kretske, at any time or any place in my life.

*Cross-Examination by Mr. Ward.*

I have known Raubunas for a few years, oh, about three years, three or four years. I knew him in 1936.

Q. You were in a still with him?

Mr. Hess: That is objected to, if the Court please.

Mr. Ward: Wait until I am finished.

Q. You were associated with him in a still out on 24th and Western Avenue, were you not?

A. No, sir, I never did.

Mr. Hess: I object.

The Court: On the cross-examination of this witness you may make a search and exhaustive cross-examination.

Mr. Hess: I will instruct the Defendant, or suggest to him as his counsel, that if he thinks any question or answer, or any question would tend to incriminate him, to make a claim, then Your Honor would have to rule on that.

The Court: Yes, that is right.

Mr. Hess: If the Court please, I want you to understand this, and I am sure you do, he was not put on, by his counsel, on his own behalf, he was forced on here by another counsel.

The Court: Yes, I understand.

The Witness: I knew Mr. Raubunas in 1936, he brought over— I do not know what business he was in in 1935 and 1936. I met Eddie Dewes in 1933, upon the highway when he was a State policeman. Oh, I know him. I do know him. I do know Adam Widzes. He bought an automobile off of me. I had an automobile place on the West Side at 3152 West Ogden. I do know Stanley Slesur. Oh, I know him for about probably ten years. I

know Tony Horton, the Defendant. Oh, I know him 1027 about two or three years. I know Norton Kretske.

Oh, I know him, I knew him when he was a kid about eight years old. I never did see Raubunas over at my garage. He did come to my Garage on the West Side. I only saw him twice. Oh, in 1936 or 1937, he brought over his sister, and she bought an automobile from me, that is the only way I know Raubunas. I talked to him there. Why, sure, that is the only way I know Raubunas. I was not in the Spring Grove still with him. I didn't have anything to do with that. I never was out on United States Highway 14 with Farber one day. I never went to the Insurance Exchange Building with Raubunas. I know Ralph Sharp. He bought an automobile from me in 1936. Oh, I know him for about four years. I know he was in trouble in Montana. I remember when his case was up before the United States Commissioner and he came down to arrange for his bond, his sister came over. I do remember that. I lived on 19th and Troy in 1935, 1936, 1937, 1938 and 1939. That is about four or five blocks from Kedzie avenue and Douglas Boulevard. My garage is about five blocks, four or five blocks from Kedzie Avenue and Douglas Boulevard. I was convicted of violating the Alcohol Tax Law, in Wisconsin.

(Witness excused.)

Mr. Stewart: On behalf of Mr. Glasser and Mr. Kretske I am going to call Mr. Balaban, one of the associate counsel in the case.

HENRY L. BALABAN, called as a witness on behalf of the Defendants Glasser and Kretske, having been first duly sworn, was examined and testified as follows:

1028      *Direct Examination by Mr. Stewart.*

My name is Henry L. Balaban. I live at 201 East Delaware Place, Chicago, Illinois. My office address is 11 South Lasalle St., Chicago. By profession I am a lawyer. I was admitted sixteen years ago. I went to DePaul University and the University of Southern California at Los Angeles, California. Mr. Glasser was a Freshman at De Paul University Law School when I was a Senior.

Q. And I want to direct your attention first to the case that has been in evidence here concerning Kwiatowski, were you an attorney for a man that appeared here as a witness?

A. I was.

I was in my office when he came to me with Frank Hodorowicz. It was after his arrest, several days thereafter, possibly a week or so, the exact time I can't recall. I did go out to a Bank on the South Side with him. I believe it was the South Chicago Trust and Savings Bank. Way out on the South Side on Commercial Avenue. I believe. Kwiatowski did not have in his possession his bank book at the time I discussed the trip out to the bank. I don't know where that was, he told me he had lost it. When I went out to the bank Walter Kwiatowski accompanied me. We did not meet anybody else, connected with this case immediately upon arrival. We waited, by previous arrangements made for the arrival of Frank Hodorowicz. The three of us made that arrangement in my office before we left.

Walter Kwiatowski and I arrived at the Bank first, Frank Hodorowicz was late, I believe the hour we were due to meet there was one o'clock, and he had not arrived at that time. We waited for him ten minutes or so, 1029 and when he arrived we all went into the Bank, and went to the Cashier. Walter Kwiatowski in the presence of Hodorowicz and in my office had told me that having lost his bank book and having appeared at the Bank, the Bank refused to give him his money because of his not being able to present his book, and thirty days would have to elapse before they would issue a new book,

and then he would be entitled to his money. We went to the Officer of the Bank, I believe he was either the Cashier or the Assistant Cashier, and we had a discussion with him. And the Cashier explained the rule of the Bank was that they could not under their rules, pay out money where a bank Book had been lost, and I demanded that that money be paid to Walter Kwiatowski, and by arrangement, the sister of Walter Kwiatowski, in whose name the account was as well as his, was there, and they signed the necessary papers and also an affidavit attesting to the fact that the bank book had been lost, and holding the bank harmless in the event the bank book was produced by anybody else, and after that was done, Walter Kwiatowski withdrew the sum of \$3750.00. However, that money was not paid to him. It was paid into the hands, and before me, to Frank Hodorowicz. Hodorowicz had previously asked me if I would handle this old man's case, and told me he had no money, and asked me if I would handle it for \$50.00. I told him I would. I then called the Alcohol Tax Unit, learning that the man had had \$4500.00 in cash in a bank, which they were about to levy on. That was the reason we hurried out to the bank, to get there before the Government got there, and I insisted that my fee be \$250.00, as and when we got 1030 that money, and Frank Hodorowicz in the presence of Walter Kwiatowski, paid me the additional \$200.00, having paid me \$50.00 previously.

Q. And is that all the money you received out of that withdrawal?

A. At that time, yes. Later on Kwiatowski told me that he went back after I had left the Bank. I left, leaving Hodorowicz, Kwiatowski, Kwiatowski's sister, and the daughter of the sister, and Frank Hodorowicz in the Bank. And Kwiatowski later informed me that he went back after I had left, and withdrew the remaining \$750.00 that he had.

Several months later he came to me and told me that after his case had been heard before the United States Commissioner, he went back into the bank and re-deposited some money, which money the United States had levied on and filed an attachment against; and I went there with him again.

He and I drove out there together, and we talked to the Cashier, and we were referred to the attorneys for the Bank, at which time I examined a lien that the Gov-

ernment had, which had been filed against a sum, I believe around \$500.00 and Kwiatkowski told me that the money belonged to his sister, and that his sister had deposited the money, and it was not his, it was hers. We examined the records of the Bank and found that that was not the fact, that Walter Kwiatkowski had deposited that money, and I told him that under the circumstances that nothing could be done about it. He brought his sister to my office later on, and I asked her if she had put the money in the bank, and she said "No". I asked her if she knew who had, and she said, "Well, my brother must have done that." And I said to her in Walter Kwiatkowski's present, "Your brother wants me to have you sign 1031 some papers that money was yours, and I advise you not to do it."

She said, "I am not going to get in trouble."

I said, "I am not going to permit you to sign any papers which are not the truth."

Kwiatkowski and she left, and a week or two later I got a call from an attorney by the name of Joseph Struett, who was Frank Hodorowicz's attorney, who inquired about the Defendants, and said he wanted to know all about the lien the Government had, and I explained to him all the circumstances as I have related to you, Mr. Stewart.

At that same time I learned that the Government had seized a car belonging to Kwiatkowski. He told me the circumstances of his case, and explained to me that he had been found with several bottles of liquor, and that the car had been used for that, and that the Government Agents had him approach the premises, and then I advised him that I couldn't do anything about it at that time. That was during the pendency of this case before the United States Commissioner.

Later on I told him I would try to get the car for him, but he never paid me for it, and I didn't do anything about it.

I have held an official position here. I was an Assistant United States Attorney under George E. Q. Johnson from 1928 to 1931, to 1932.

I did appear before Commissioner Walker and represent Kwiatkowski in his case. I did not at any time in my life ever give any money to Daniel Glasser for any purpose. I did not ever promise him any money or anything of value. I did not ever in my life give any money to the defendant, Norton Kretske. I did not ever give or prom-

ise him anything of value. I did not before I went to trial on this Kwiatkowski case, before the Commissioner, have any conferences or interviews with the gentleman in charge of the Government. I did not do anything to influence them in any way concerning the conduct of their duties in that case, representing the Government. Kwiatkowski came to me afterwards in the company of a man representing himself as a nephew whom I later learned was a Government Agent.

As Kwiatkowski came into my office, as near as I can recall, it was, I should say, after we had tried his case before the United States Commissioner, and introduced the man he had, who had a Polish appearance, as his nephew. And they explained they wanted to talk to me about his case, and that he had been indicted again; and I invited them in the office, and we sat down and discussed the situation. I don't recall that was said, but the thing that stood out uppermost in my mind at that time was that Kwiatkowski—I told the nephew I didn't want to have anything to do with a man who wanted his sister to perjure herself in an affidavit, in a letter—And I said to the man whom I understood to be the nephew, I said, "By the way, what is your aunt's name?"

And he said, "Never mind about that. What about this man's case?"

I said, "Are you this man's nephew?"

He said "Yes."

I said, "How does it happen you don't know your aunt's name?"

And he said, "Well, now, I want to know about this man's case, he has been arrested, he has been indicted, meaning he will have to have a bond."

Well, I said, "Why don't you get it? Why don't you go over and get a bond? If you want me to represent the man, I will be glad to do so, but he will have pay me for it."

And with that he left the office. During that conversation I recall Kwiatkowski said, "I gotta go now. I gotta go now."

1033 Q. Now, I direct your attention to the case of Pete Hodorowicz, wherein you represented the Defendant before the Commissioner on a motion to Suppress, do you remember that case?

A. I do.



Frank Hodorowicz engaged me shortly before this hearing, a week or two. I prepared a Petition to Suppress. I don't recall how long in advance of the actual disposition of the case I prepared that petition, but it was several days, possibly a week, or maybe more than that.

Q. Now, did Mr. Kretske suggest to you in any way that you should draw that Petition?

A. I didn't know Mr. Kretske at that time.

Nobody in connection with the Government made that suggestion to me. I am not in the habit of taking suggestions from the Government. That Petition was prepared by me in the ordinary course, in the proper defense of my client. I filed motions to Suppress before, before the Commissioners, and before the Courts.

Q. Now, tell us what was said, as near as you can remember, concerning the preparation of that Petition, was the ownership discussed, or did you explain that somebody would have to sign as owner in order to be in a position to make that Petition?

A. Yes, sir, we discussed that pro and con in the office, and the facts regarding the sale were given to me, and the legal phases of it were discussed between my client and me, and as I recall, both Peter Hodorowicz and Clem Dowiat were in my office when the Petition to Suppress, and Motion to Suppress, were dictated to the stenographer. They signed it, whether they came back and signed it after it had been dictated or not, I can't recall. This is almost three years ago.

1034

*Cross Examination by Mr. Ward.*

I know the defendant, Tony Horton. I believe I have known him ever since he is in Chicago. That is, since 1932. I don't believe I knew him when I was an Assistant United States Attorney in this building. I didn't know him then. I left the building as an Assistant United States Attorney about the middle of 1931. I did not know him then. I think I got acquainted with him after that about 1932. I put up part of the money for his bond in this case. I think \$1000.00. I was not in the bond business with Horton. I have loaned him money.

Q. You put up money on bonds, have you not?

A. I have loaned Horton money.

Q. Answer my question. Did you put up bond money with Horton?



A. I have loaned Horton money, and put up the money on the bonds, if that is what you want to know.

I loaned him money in the Buchanek-Netko case. I think between five and six thousand dollars. I had Tony Horton's note and word for security.

Q. And isn't it a matter of fact you gave Tony Horton \$5,000.00 or \$6,000.00 because he put up the money in the Buchanek-Netko case with the Clerk of the United States District Court?

A. He put it up with the Clerk of the District Court. Indeed I did know it was put up and I got it back. The Netko-Buchanek bond was forfeited, for a day. Yes, it was forfeited, it was forfeited for a day.

Q. All right, you insist, I will put it in; for a day.

A. Well, you were there, you know about that, Mr. Ward.

At that time I think Horton had between six thousand and eight thousand dollars of mine that I had loaned 1035 him to put up on bond in cash. I had Tony Horton's note as security for the \$8,000.00. A promissory note with a judgment clause in it. I did consider that I was loaning the money to Horton. I got the receipt he had put up as collateral. He paid me 5% for the use of the money. Well, 5% for the entire period of the loan.

Q. In other words, if the bond was up for two days you would get 5%, is that right?

A. Two days or a year.

Q. And you would have a promissory note for \$6,000.00, or \$8,000.00 for the cash, and you got 5% for one or two days, is that true?

A. That has never been—I can't answer that, if the bond was up for a day.

I was interested in having the bond forfeiture vacated in the Buchanek case. I wanted to see that the defendants were in Court. I was interested in having it vacated so that the money would be protected. I had loaned the money to Horton.

Q. And the real reason was it was your money, and you and Horton were in the bond business together, and you knew that the forfeit was made, and if the forfeit was not vacated you would be \$5,000.00 cash out, wouldn't you, that is right?

A. No, I don't agree with you on that conclusion. That is your conclusion, Mr. Ward. I would give Tony Horton every penny I have got.

Q. Just a minute. You understand then, if the forfeiture of that bond was to remain unforfeited that money wouldn't escheat to the Government of the United States, you mean to say that?

A. If there had been a forfeiture made, I understand that, Your Honor, I would like to explain that whole situation.

1036 I loaned Tony Horton \$6,000.00. It was either \$5,000.00 or \$6,000.00, and I continued to loan him any money he asked me for that I had. I knew the Defendants, or at least one of them, in that particular case. The case Mr. Ward is asking me about, and when Horton came to me and asked to borrow some money that he wanted to put on the bond, and told me who the Defendant was, I told him I would be glad to do it. I was not the attorney in that case. The Defendants, of whom there were three or four, had a plea in arraignment date. At two o'clock the case was called. At two o'clock we went up on preliminary call, that is what is known as an arraignment date, and the case was continued thereafter for several weeks, possibly a month, and instead of coming in here at ten o'clock in the morning, which is the hour Court convenes—Instead of coming in at ten o'clock in the morning, the Defendants came in at two o'clock that afternoon, and Mr. Ward had those bond forfeited. I went to Mr. Ward, and this, I believe, was on a Friday or Saturday, and told him that I represented Tony Horton's surety, and wanted to know what I could do to release the forfeiture in that case, that the defendants were available. We would produce them at any minute they should want them. He said, "I don't want this. I want them to be in jail over the week-end."

I said, "Mr. Ward, this is a very—Well, nevertheless, that was the situation. and I was interested.

The Court: The evidence is they were not there at ten o'clock, they should have been there, and the fact they were not, the bond could have been forfeited at that time, and the bond was forfeited. And the next day vacated.

A. That is right. Several days later.

The Witness: I didn't hire Mr. Passman. I met him once on that occasion that I have just related to the Jury.

I knew that Mr. Kretske was in that case. I didn't  
1037 know that he Authorized the Petition to have this forfeiture vacated and set aside. I believe he would

have done it, though. The only interest I had in that case was my bond money, that is true. That is right that Tony Horton is the man that signed Kwiatkowski's bond.

Q. When did you first get acquainted—When were you told about Kwiatkowski for the first time?

A. That day he came to my office some time in August, August of 1938, I believe.

I don't recall what day it was in August, it was during August 1938. I do not recall the date he was there. I say, as near as I can recall it was in August of 1938. That is most likely that it was between August 26 and August 31. It is most likely, yes.

Q. And you know that a Special Agent from the Alcohol Tax Unit came over to Mr. Glasser's office on the 26th day of August and gave Mr. Glasser a letter in which was contained a statement that Kwiatkowski had violated the Alcohol Tax Laws, and that he had a bank book in his possession for \$4500.00; did you know that?

A. I don't know, and you don't.

Q. You did not know it?

A. I did not. I had no means of knowing it.

Q. But within a very short time, namely, within a few days, you appeared out at the South West Trust and Savings Bank—or the South Chicago Savings Bank, with Mr. Kwiatkowski, and drew that money out of the Bank, did you not?

A. I went there the day he came in my office.

I did do that and I believe that was between August 26 and August 31. I think it will show in the Bank, the date that appears from the Bank record.

1038 I heard Mr. Kwiatkowski on the stand but whether

I understood him or not I don't know. He left the impression that I got the money at the Bank there. I did understand him to say I was out to the Bank with him. I told the Jury I was there with him, and took him in my car. That is what I said. And when we got out there, we drew out \$3750.00. I got \$200.00 of that \$3750.00. I don't know how much of the \$3750.00 Kwiatkowski retained. The money was in Frank Hodorowicz's hands in the bank, and Frank Hodorowicz paid me. That is right that I talked to Mr. Bailey about this case in your office at one time.

Q. Did you ever tell Mr. Bailey on that occasion, regarding this Bank, that Frank Hodorowicz was there with you at that time?

A. That was never discussed.

He did not ask me about this transaction. I will tell you exactly what he asked of me, if you want to know. He wanted to know if Peter Hodorowicz or Clem Dowiat wanted to retain me. I told him no, he didn't. And—wait a minute before you ask me another question, let me answer your previous one. Then he asked me about the bonds that you have just asked me, in the Buchanek-Netko case, and this was the only two matters he asked me about, and you were there, and Mr. Devereux was there, and there wasn't a mention of the word Kwiatkowski at that time, or at any time between Mr. Bailey and me, and that is the only conversation he and I ever had.

The subject about Frank Hodorowicz was not discussed on that occasion. How could I mention it? I met Frank Hodorowicz out at the Bank by appointment. He came to my office. He brought Kwiatkowski there. I think it was, oh, it was several days—it was in between the day he was arrested and the day we went to the hearing 1039 before the United States Commissioner. I didn't keep a record of that case. I do keep a record of the cases that I handle and the fees that I receive. I received a total of \$275.00 in this case. That is all. That is true that Kwiatkowski had an automobile and that was seized by the Government.

Q. Did he talk to you after the discharge—his discharge before the United States Commissioner, and ask you this question, and did you make this answer?

"I would like to get my automobile back."

And you said, "Don't talk about the automobile, you are liable to stir up trouble."

Did you say that?

A. He never said that to me, and I never said that to him.

I never said that. He asked me to get the car back when he first came in the office. I did not make any effort to get that car back. He did not pay me for it. I never did make any effort to get it back. The case came on before the Commissioner and I talked to Kwiatkowski and he told me about the facts. Mr. Glasser represented the Government. The witnesses were called to testify before the Commissioner. At that time Kwiatkowski paid me \$250.00. I don't know if he ever gave Horton any money except what I heard in this court room.

He paid him for the bond. I believe I do remember my cross-examination of Kwiatkowski.

Q. Do you remember asking Kwiatkowski isn't it a fact he gave you \$800.00.

A. That he gave me?

Q. Yes, sir.

A. Yes, sir.

Q. You remember standing here and asking him?

A. I do.

Q. And saying isn't it a fact you gave me \$800.00?

1040 A. No, I asked him if it was a fact. Not isn't it a fact. There is a little difference between those two questions.

Q. And that was after he said that he paid Tony Horton \$600.00, and you stood here and you cross examined him and said, "Isn't it a fact that you paid me the \$800.00," is that true, yes or no?

A. No, not at all, and you misconstrue that entire cross examination, like you have misconstrued a lot of things.

Q. I am just emphasizing the way you asked the question.

A. May I explain that, Your Honor?

The Court: Well, the record itself will show. We will check that. It will speak for itself.

Mr. Ward: All right. And he insisted on saying \$1075.00, you heard him say that, didn't you?

A. I sure did. I believe everybody did in the court room.

Q. And it was \$275.00 you say that he paid you, and \$800.00 in addition, that makes \$1075.00, doesn't it?

A. Well, \$800.00 and \$275.00 make \$1075.00, yes.

Q. And when you said that he paid the \$800.00, in addition to saying that he said that he paid you \$275.00, did he not?

A. He never said he paid me \$800.00. I asked him. May I reply to that question, Your Honor?

The Court: You may.

A. As I gathered it from the witness on the stand, he first stated he gave Horton the money, then he said that at the bank, when the proceeds of the withdrawal were paid out, he was short \$1075.00, then I asked him, "Did you give me that money?" And as I recall it, he wouldn't say that he gave it to me. I think I stated the situation as it existed, and as it took place in this court  
1041 room.

That is right that Kwiatkowski was discharged before the Commissioner. I already answered that Mr. Glasser was there. He was there, the Commissioner was there, the Agents were there and I was there at the time he was discharged.

Q. All right. Now, then, you had another case, or you had more than one, isn't that true?

A. Well, I have been successful in having a few cases, Mr. Ward.

I have handled quite a few liquor cases. No, that is not right that Mr. Glasser has been in all those cases.

Q. How many did you have?

A. I can't say I have handled more than—

Q. All right; you didn't keep any record of it?

A. Just a minute. I am trying to answer your question before you interrupt me.

Q. All right.

A. I think I have handled a dozen liquor cases, I don't recall Mr. Glasser appearing in all of them. I think you appeared in a few in which I got my clients discharged, Mr. Ward.

Q. I don't know how to try a case. You might as well finish it; is that what you mean to say?

A. Well, you said it. Let the Jury decide.

Q. What two cases were they you had with me?

A. Cases in which Judge Woodward appointed me, and one in which you failed to prove the Venue and the Court discharged the Defendant.

That was the case of a colored man by the name of Connors. That was tried I think about four or five months ago. I will get the first name for you. The other case was

before the same Judge. I think that you left the 1042 court room and left your assistant to try the case,

I think Mr. Lube tried that case. Judge Woodward appointed me. They were both colored men. You neglected to tell the Court it was about evidence occurring in the City of Chicago, and the Court found—

Q. That is what you say, is that it?

A. Well, that is what the Court said, I assume—

Q. I see you are just repeating that. All right, now, what were the other cases you appeared in, you remember those, so we will know what are the others.

A. Which other cases, you mean liquor cases?

Q. The other eight you had.

A. Oh, I think I had a case of John Kasnercheck.



Q. Yes; and what was he arrested for?

A. Liquor violation.

Q. And he was put on probation, was he not?

A. The Judge put him on probation after he was examined by the Probation Officer.

Q. Yes. And that is the Kasnerchek who belonged to the Hodorowicz crowd, isn't he?

A. I don't recall he did, he might have. I think all of those South Side bootleggers belonged to that same Hodorowicz crowd.

I don't know who signed Kasnerchek's bond. I didn't. I don't know that Mike Hodorowicz went co-surety on that bond. No, I do not recall getting him out on bond. I think one of the Hodorowiczs sent me Hasnerchek. I don't recall if Mike signed his bond with him. I don't recall which one of the Hodorowiczs sent me that case. I would have no occasion to keep any record of who went on the bond and who sent a case to me.

Q. Do you recall—all right. Now, this Pete Hodorowicz case, you say that you discussed the proposition of their claiming ownership of that still with them?

1043 A. It was not the prosecution, Mr. Ward, we discussed the facts, and it appeared in our discussion that the Government agents had made a search here without a warrant.

Q. Well, there is nothing wrong about a lawyer advising a client?

A. Well, it would seem so from the way you ask the question.

I did advise them that in order to file a petition they would have to claim ownership of the property; and what was done after that they told me—after I advised them of that, the Petition was signed. The Petition was signed; we went to a hearing; the agent testified; the Court heard the evidence; the Defendants were discharged, because there was no search warrant, and the Court found that the allegation contained in the Petition and Motion to Suppress were true. I mean the Commissioner found. The defendants were discharged.

Q. You say you hurried out to the Bank to draw this money out so that the Government wouldn't get it. That is what you said, didn't you?

A. I wanted to withdraw the money, yes.

Q. And the reason for that was that you knew that for the Kwiatkowski Alcohol Tax Law violation that the



possibility was that the United States Government would file a lien on that money?

A. Oh, that was possible.

Q. That is what you had in mind?

A. That was possible.

Q. And that is why you hurried out to get the money?

A. I wanted to be able to get my fee.

1044 Q. And you also wanted to get the money out there, too, didn't you?

A. That is what I went there for.

(Witness excused.)

HAROLD GERHARDT, called as a witness on behalf of the defendant, Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Harold Gerhardt. I live at 4233 Kammerling Avenue. I am a building manager. I work on the 7 South Dearborn Street Building. The defendant, Norton Kretske had an office there. I did, at his request, bring my records with me.

Q. Will you examine them, please, and tell us the day Mr. Kretske first came in as a tenant of yours?

A. We turned the offices over to him on October 5, 1937.

Q. And the paper you have, is that the original lease signed by him?

A. Not the original lease, I have not been able to get—this is a copy of the lease. The date that I have here is the date that we turned the electricity on in the office.

This is from my records and that is the first time he was in there.

*Cross-Examination by Mr. Ward.*

This record here that I have shown is Passman and Kretske. That is Harold Passman.

1045 Q. How long did Harold Passman—how long had Harold Passman been in the building before October, 1937?

A. That I don't know, I came to the building in August, 1935, and he was a sub-tenant of the building.

Q. At that time?

A. When I came in, yes, sir.

(Witness excused.)

CHARLES A. WOODWARD, called as a witness on behalf of Defendant Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Charles A. Woodward. I hold an official position here. That is, Judge of the United States District Court for the Northern District of Illinois. I have held that position since March, 1929. I have been a member of the Bar since 1900. I know the defendant, Daniel Glasser. I knew him during the time he was an Assistant United States District Attorney.

Q. Judge, directing your attention to a trial that was held before you wherein Frank Hodorowicz and a couple of others were convicted by a jury, do you remember that the defendant Glasser at that time represented the Government?

A. Frank Hodorowicz?

Q. That is it.

A. Yes.

Q. And was Mr. Hess here at the table, representing the defendants?

A. He represented one of the defendants, I think that was Frank.

1046 Q. Now, after the jury returned a verdict of guilty do you remember if Mr. Hess stated anything about probation?

A. I don't think there was very much said. The suggestion was made for probation for the defendants after the verdict of guilty was recorded and judgment was entered, and rather hastily I said that was—in substance, it was not a case for probation, and I denied probation. There was not much argument about it.

Q. Now, did Mr. Glasser appear to represent the Government in a proper and conscientious manner?

Mr. McGreal: I object to asking this witness a question this jury is here to determine, it is an element that has to be considered by this jury.

The Court: Objection sustained.

Mr. Stewart. Well, just tell us what Mr. Glasser did do that you observed?

A. As I remember it, there were two trials involving the Hodorowicz brothers. I have no recollection of the details but one trial was held in my regular court room on this floor and a second trial, as I remember it was held in the Court of Appeals room on the seventh floor.

Mr. Glasser represented the Government and presented the evidence, examined witnesses for the Government on direct examination, cross-examined the witnesses for the defense, made the closing statements and argument to the jury. The case was a usual bootlegger's case and did not involve any particular still in the presentation of it.

The agents testified, I am not sure whether any other witness aside from the agents—and told the story just as they do in the ordinary Internal Revenue case.

Q. Mr. Hodorowicz testified here that he was convicted on a pack of lies and because of the method which the prosecutor used in presenting his case—Judge, 1047 you have heard the witnesses and observed their demeanor on the stand; did you not?

A. I did.

When the jury brought in a verdict of guilty, I did hear whatever counsel had to say on either side, concerning the matter of a motion for a new trial. I did naturally approve of the verdict in a legal sense by sentencing the defendants. I did not observe anything out of the way in the conduct of Mr. Glasser in the presentation of that case.

Q. Now, I take it, Judge, that you have heard a great many of these bootlegging cases.

A. I have heard several.

Q. And during part of the time they were being handled in your court room by Mr. Glasser.

A. I did.

I did not observe him do anything that was outside of the line of his conscientious duty as a United States District Attorney. It very frequently happens in conducting my call that cases are submitted without any contest on a plea of guilty. It is the general procedure when that happens the United States Attorney often reads a summary of his report and then I listen to anything anybody else has to say in order to ascertain the facts.

Q. And have you often disposed of cases that are submitted in that way without looking at any pictures? .

A. I very seldom look at pictures.

*Cross-Examination by Mr. McGreal.*

Q. Judge, all that you have testified to here was to facts that occurred in your court room?

A. That is all I know about.

1048 Q. You have no information as to what occurred outside of your court?

A. Not at all.

Q. And in that Hodorowicz case, your Honor, Judge, wasn't there a motion for directed verdict sustained in one of the cases by your Honor?

A. I have not looked at the record but my impression is that the case was tried on this floor. I did sustain a motion for a directed verdict as to some but not all of the defendants, I am not sure.

Q. That was as to some of the defendants involved in this case you referred to, isn't that correct?

A. I am not sure but I think there was one other defendant in the case I tried upstairs, the other defendants were the same.

Q. Do you recall a defendant in this case by the name of Clem Dowiat?

A. He was in both cases.

Mr. Glasser did not tell me that the Grand Jury voted a no bill for Clem Dowiat in another case.

Q. Was there a defendant there named Peter Hodorowicz, Judge?

A. Well, that name sounds familiar. I believe he was a little fat fellow or short fellow.

Q. That is it, a short bulky fellow, he was a defendant?

A. I think he was a defendant in both cases.

I have no recollection whether Mr. Glasser did or not when I was sentencing Pete Hodorowicz, tell me that on January 12, 1937, Pete Hodorowicz and Walter Hort were brought before the United States Commissioner and held to the Grand Jury.

Q. Did he tell you at that time whether Pete  
1049 Hodorowicz and Walter Hort never were presented to the Grand Jury in connection with that arrest?

A. I don't recall the name of Hort in any connection whatever. I have so many of those cases I just simply can't remember each individual case, what was said to me when sentence was pronounced.

Q. Did he tell you at the time while you were sentencing the defendants that Pete Hodorowicz was arrested in connection with a still at 120 East 118th Place?

A. I don't recall it at all.

Q. And if he did tell you, you would recall it, wouldn't you?

A. No, not necessarily, because I have so many of those cases I don't try to burden my mind.

Q. Did he tell you a motion to suppress the evidence in that case was sustained by Commissioner Walker?

A. I am sure I can answer that conscientiously and say I was never told that.

Q. Did he tell you—was there anything said at that time about the resistance of Tony Hodorowicz,—made at the time of his arrest?

A. I never heard of him.

I have never seen, that I know of, Government's Exhibit 160 for identification. I never saw Government's Exhibit 163 for identification.

Q. Did you know at the time you sentenced these defendants, Judge, that they were the subject in a conspiracy case, report then being made by the Alcohol Tax Unit of the Government of the United States?

A. I think the only information I had as to that was the sort article that appeared in one of the newspapers the morning after I sentenced him.

Q. And at the time you sentenced him you did 1050 not have that information?

A. Whether I knew that before or after I am not sure. The only source I knew it from, was there was a short article in the newspaper.

Q. What would be the maximum sentence that could be imposed upon those defendants as the result of the indictment that was before you, Your Honor?

A. I would have to ask the District Attorney to tell me, I don't know.

Q. If I told you it was five years, did Mr. Glasser tell you at that time that the maximum penalty was five years?

A. I don't know whether I asked him or not.

Q. If you had the information I told you about or

mentioned, would you still have sentenced him to one year or nine months, as the record shows?

A. I probably would. The only thing I do in sentencing them, I pass on the evidence in the particular case. Each Judge has his own ideas as to what facts he ought to pass upon or what facts he ought to act upon in passing sentence.

Q. You had no information other than that given to you by the United States District Attorney in charge of that case; isn't that correct?

A. And what I heard in the court room.

Q. And what you heard in the court room, that was presented by him.

A. That is all.

Q. And that is all the information you had at that time?

A. That is all.

*Redirect Examination by Mr. Stewart.*

Q. Well, Judge, do you think it would be proper for a United States District Attorney to inform you that a 1951 defendant who was up for sentence had been in some other cases where he had successfully won those cases, do you think that would be proper?

A. Well, now, you are asking me a question of ethics.

Q. Well, the lawyers before you try to conform with your ideas of these things, don't they, Judge?

A. Will you kindly read me the question?

Q. Do you think it would be proper for a District Attorney to inform you that a defendant who is up for sentence had been tried before the Commissioner in another case in which case he had been discharged by the Commissioner, and expect you to take that into consideration in entering your sentence?

A. In answering that I will have to elaborate a little bit. Under the present practice in my court, at least, and I think in courts of some of the other judges, as a general rule, after a conviction or after a plea of guilty, the matter is referred to the probation department for a pre-sentence investigation and report. The probation department is a very competent department and renders to the judge a very detailed report in practically all cases. And the report of the probation department would contain



a great deal of information concerning a defendant which would not be admissible in a trial of a case, and among the information which would be submitted by the probation department and which would be considered by the judge, would be the information concerning which you now ask me. My own judgment is, it is a very proper procedure. As a judge I want to know it.

Q. Well, whether or not that procedure is followed, of course, would be up to the judge who had the verdict before him.

A. As I say, it is a question of ethics and a question of procedure, and it is a question which each individual judge must decide for himself.

Q. Well, now, Judge, I take it that you entered what you thought was a proper and just sentence in the case that was before you concerning the Hodorowicz people.

A. Why, certainly.

Q. And would your sentence have been the same if Mr. Glasser had told you that the Government was trying to prepare a conspiracy case against the same defendants?

A. In all probability this would have been my action. I would have deferred sentence until the conspiracy case had been presented to the court and a judgment had, and acted upon the verdict in both cases. In other words, I would have deferred sentence.

Q. That would have been true if there had been an indictment, but suppose you had heard the Government was just ready to present one or to the point of submitting a report on one. You would be willing to let that take its course, wouldn't you?

A. Well, it is pretty hard to answer an abstract question of that kind.

Q. I will make it concrete in this particular case, Judge, this report that was handed to you is a report made out by some alcohol agent who at that time had that case in just about the stage where a report is made by the agent to the District Attorney and the District Attorney had not yet passed it or not yet taken it before any Grand Jury. Would you be interested in knowing about that report particularly in order to have sufficient information to sentence Frank Hodorowicz who was before you on a verdict of guilty by the jury.

A. No, I wouldn't care anything about that report.

1053 Q. And you knew in a general way that Frank

Hodorowicz was supposed to be a bootlegger, didn't you?

A. Well, I read in the paper after the trial that he was supposed to be a bootlegger.

Q. Supposed to be a bootlegger?

A. That is what the paper said. I don't know anything about it otherwise.

*Recross Examination by Mr. McGreal.*

I don't remember the day of the trial. I don't have any knowledge as to the date of the report.

(Witness excused.)

EDWARD J. HESS, called as a witness on behalf of the defendants Glasser and Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Edward J. Hess. My address is 6826 Bennett Avenue, Chicago. I have been a member of the Bar thirty years. I have held one official position in this community, Assistant United States Attorney from 1923 to 1929. I was in charge of the office at one time for one month.

Q. Now, I want to direct your attention to the case against William Workman, the first witness in this case; were you his attorney?

A. I was.

Q. Well, directing your attention to the hearing in open court, was Judge Sullivan informed concerning the size of the still that was involved?

A. He was in a general way.

1053½ Q. Now, you represented Frank Hodorowicz in the trial had before a Court and Jury before Judge Woodward?

A. All of the defendants in those cases.

Mr. Glasser represented the Government. I did not at any time in my life give Mr. Glasser anything of value.

Q. Did you ever promise him anything?

A. Of course I consider that an insult to ask such a question as that of me. I don't think any attorney should ask anything like that. If I would graft a man like that.

Q. In the case you tried you lost your case?

A. I lost them both.

I absolutely tried them on the merits. I gave them all I had. Mr. Glasser represented the Government on the merits of the case.

*Cross-Examination by Mr. Ward.*

I recall the indictment in the Hodorowicz case. There were two. Two counts apiece. Well, they were printed form with the name typewritten in, I think the first count had to do with transportation or something of alcohol. The second count was possession, I believe in both of them. The one was possession, the other was sale. The evidence show I all about the sale of liquor. The indictment charged possession.

Q. And you knocked out one of them, didn't you, Mr. Hess?

A. I didn't knock anything out.

Q. Well, you argued to have one of them knocked out?

A. I got a directed verdict as to that.

You bet I argued that. That is right, I had one left. I first started to argue about the men. Now, about the indictment. Well, I will tell you, I just can't remember what I did argue. You argue most anything to win 1054 that you can. There was a directed verdict as to one count, and as to two men. As to Pete and Frank on one indictment. That is right. The court held there wasn't sufficient evidence so far as that indictment was concerned and directed a verdict.

(Witness excused.)

JOSEPH BOLTON, called as a witness on behalf of defendants Glasser and Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Joseph Bolton. My residence is 1211 La-Salle Avenue, Oak Park. I am a brother of Judge Bolton. I am a member of the Bar since 1916. I was representing a defendant in the United States District Court named William Alfred Burba. I remember that Mr. Glasser ap-

peared as the representative of the United States Government. My recollection is that it was before Judge Barnes. My client pleaded guilty before Judge Barnes. The matter was referred to the probation people upon my application. I made a motion for probation after my client pleaded guilty or the evidence was heard, or whatever was submitted to the court. Mr. Glasser did not recommend probation.

*Cross-Examination by Mr. Ward.*

Q. Your recollection of these facts were refreshed just a moment ago, Mr. Bolton?

A. Somewhat, Mr. Ward.

To the best of my recollections, my case was tried, oh, two years ago, two and a half years ago. And after the case was tried I dismissed it from my mind and I have not thought about it ever since that time.

(Witness excused.)

1055 HUGO P. COOK, called as a witness on behalf of the defendant, Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Hugo P. Cook. I live at 1519 Irving Park. I am a commercial photographer. It is my business, under my name at that address, 1519. At the request of Mr. Glasser I did go out to the vicinity of Kedzie and Douglas Boulevard and made some pictures, a week ago Saturday, that is right, 2/17/40. The pictures marked Nos. 85 to 91, inclusive, were taken by me at that corner.

Q. I want to direct your attention particularly to the sidewalk which runs from the door out to the Douglas Boulevard curb. Did you measure that sidewalk?

A. The sidewalk there is—from the building line to the curb? That is approximately 40 feet, 40 or 45 feet.

Q. And I direct your attention to Exhibit No. 90, and will ask you whether or not you stood inside the door and looked out and obtained the view shown by that picture?

A. That is right.

I was out there about 10:30 in the morning. It was on

Saturday. Mr. Glasser, Mr. Kretske and there were approximately six or seven people in the door besides us. Mr. Glasser drove by in the automobile and I observed the lighting and shadows, and the general set-up. It was impossible to recognize anyone in the car from my position in the door, out to the curb. My camera was in proper working order. I am familiar with the scenes and the pictures clearly portray the views they purport to show.

Mr. Stewart: I offer them in evidence, your Honor.

(Mr. Ward examined the witness at this point.)

1056 — I took the pictures on Saturday, February 17. The only time I had ever been on the premises was Saturday. I could not say whether the premises were like this a couple of years ago.

Mr. Stewart: I want to use this gentleman as a character witness, Judge.

*Direct Examination (Continued) by Mr. Stewart.*

I have known Mr. Glasser over twenty years. I know his family and friends and visited back and forth.

Q. Did you learn the general reputation he enjoyed in this community as a decent law abiding and honest citizen prior to the trouble in this case?

A. The best there was.

I do his reputation. A very fine reputation.

(Witness excused.)

RALPH J. GUTGSELL, called as a witness on behalf of the defendant, Roth, being first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Poust.*

My name is Ralph J. Gutsell. I live at 1260 North Dearborn Street, Chicago, Illinois. I am a lawyer. I have been practicing law here since the fall of 1916. I am acquainted with Alfred E. Roth, one of the defendants in this case. I have known Mr. Roth for about ten years. I do know the two men who testified here by the name of Edward Wroblewski and William Wroblewski. I have known Edward Wroblewski from, I judge, the middle of March 1939; and William Wroblewski, I met in May of

1939. I represented Edward Wroblewski in the Southern District of Indiana in a criminal prosecution. To 1057 the best of my recollection I first became engaged in that proceeding about the last week, or around the 20th of March 1939. Edward Wroblewski came to see me. On that occasion he asked me to represent him in a removal proceeding under Commissioner Walker here. There was a removal proceedings pending here at that time. I appeared before the commissioner and represented Edward Wroblewski at that hearing, before Commissioner Walker here in this building. We waived the hearing and agreed to appear, to have him appear in Indianapolis. The charge there was conspiracy involving alcohol. I had a conference with Mr. Roth in connection with that matter.

Edward Wroblewski advised or told me, rather, when he was in my office, that he had a case pending in the Northern District of Indiana, and said it grew out of the same sort of proceedings; and I asked him who was representing him in that case, and he told me Mr. Roth was representing him. He said it had been tried and they were now appealing it to the Circuit Court of Appeals. After that I called Mr. Roth on the telephone to talk to him, to familiarize myself with the two cases. I next went to Mr. Roth's office and Mr. Roth showed me the indictment in the Northern Indiana case. We discussed quite freely about half an hour and Mr. Roth suggested it was double jeopardy. I started a petition to present in the Southern District of Indiana. It was presented and denied. At the time we presented the question to the Southern District of Indiana, Edward Wroblewski pleaded not guilty. After the ruling, we withdrew the plea and he pleaded guilty and received sentence. The sentence in that case was eighteen months. It was entered on May 5, 1939. There was something in that sentence in relation to whether it ran concurrently or consecutively with the sentence imposed in the Northern District of Indiana. It was that it was to run concurrently with the Northern Indiana case. We had some discussion about that with the District Attorney there. He intimated he would have 1058 no objection to it. Judge Baltzell imposed that sentence, to the best of my knowledge, the 5th day of May 1939. I called Mr. Roth afterwards, the second day after, about the—and advised him of the conviction. It was before the conviction by the Circuit Court of Appeals on the Northern Indiana case. I should judge all of two months before.



Q. That decision affirming the conviction in the Northern District of Indiana was handed down in the month of June, 1939?

A. Then it would be just one month.

There was something said about the attention to be given by either me or Mr. Roth on the two sentences running concurrently. I called Mr. Roth on the phone and advised him of the conviction and said I was very anxious for him to take care of the situation in Northern Indiana when the sentence was handed down,—to be sure and make sure that it was running concurrently with the Southern District of Indiana. Well, other than the fact Mr. Roth told me he would go to Indiana and talk to the attorney at the time and make sure it would run concurrently. I cannot remember anything further on it. Agent Bailey was connected with that prosecution in Southern Indiana. I had a talk with Mr. Bailey about that case. Mr. Bailey for the first time—I believe the day that Edward Wroblewski was convicted, we proceeded to the floor above the court room and did discuss the case.

Q. You mean subsequently in relation to that case?

A. Possibly within a week, Mr. Bailey, and I believe, Mr. Devereux—I am sure Mr. Bailey and another gentleman called at the office about it.

(Witness excused.)

1959 JOHN F. HAAS, called as a witness on behalf of the defendant, Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is John F. Haas. I live in Chicago, Illinois. I have been a member of the Bar since 1900. I received my education at Yale University of Law School. My academic education was at Lake Forest University. Part of my legal education was at the Old Chicago College of Law, which at that time was part of the Lake Forest University. I am Judge of the Superior Court of Cook County at the present time. I know the defendant, Norton I. Kretske, one of the defendants in this case. Before I was judge of the court that I am now judge of, I was associate judge of the Municipal Court of Chicago for Eighteen years. I have known Mr. Kretske practically

all his life. He was born at Newberry and Maxwell, right in the vicinity of my uncle's drug store, who ran a drug store at Halsted and Maxwell for thirty years. I know his father. He is lawyer. As to the defendant Norton Kretske, on trial in this case, I became acquainted with neighbors and friends of his that were also neighbors and friends of mine and in that way I learned the general reputation he bore for being an honest lawabiding citizen prior to this trouble. It was good.

(Witness excused.)

SIDNEY BAKER, called as a witness on behalf of the defendant, Roth, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Poust.*

1060 My name is Sidney Baker. I live in Chicago. I am a lawyer since October, 1929. I know Mr. Glasser. I tried a case against him a few years ago. I know Mr. Alfred E. Roth. I was associated with him in practice of law.

Q. Now, did you ever have any cases in which Mr. Glasser and Mr. Roth participated?

A. I would say yes.

I was employed on one side of a case entitled United States of America vs. About 151 acres of Land in McHenry County, Illinois, a libel proceeding. I represented John Jursich and daughter Eleanor, who claimed they owned this farm. I believe the farm was seized in April, 1937 and case was tried in November, 1937 by Judge Barnes. Mr. Glasser represented the Government. The Government won. I consulted with my client, who wanted to know what his rights were. I told him the only relief he had was to appeal the case in the Upper Court, and that I did not handle appeals. He wanted to know whether I knew of any lawyer who specialized in appeals, especially Federal Court cases. Immediately to my knowledge there only came the name of Mr. Alfred Roth. I recommended Mr. Roth to Mr. Jursich. That is right, that I and Mr. Jursich engaged Mr. Roth to handle this appeal for Mr. Jursich. Mr. Roth handled that appeal in the Circuit Court of Appeals and the case was reversed.

Q. Who handled the case for the Government on the Circuit Court of Appeals, do you know?

A. I have been told that Mr. Lloyd and Mr. Collyer handled it for the Government; at least, I saw those names on the Government brief.

1061 *Cross-Examination by Mr. Ward.*

Q. You say Mr. Collyer and Mr. Lloyd. Just take a look at this and see if you overlooked any other names.

A. Michael L. Igoe and Daniel Glasser.

And it says Lloyd and Collyer of counsel. By reversed I mean it was sent back to be tried again.

*Redirect Examination by Mr. Poust.*

Q. I show you two pamphlets purporting to be copy of Appellant's and copy of Appellee's brief, numbered 180, 180-A and 181, and ask you if you know that those were the briefs that were filed in the Circuit Court of Appeals on behalf of the Government and on behalf of the land owner?

A. Yes, sir.

(Whereupon there was offered and received in evidence documents marked Nos. 180, 180-A and 181 on behalf of the defendant Roth.)

I believe this case was reversed in November, 1938.

Q. Has the Government yet put that case on trial again?

Mr. Ward: I object to that, Your Honor.

The Court: Objection sustained. We will try one lawsuit at a time.

(Witness excused.)

ANTHONY J. HORTON, one of the defendants herein, being first duly sworn, was called as a witness in his own behalf, and was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

1062 My name is Anthony J. Horton. I live at 111 East 47th Street, Chicago, Illinois, with my wife. My occupation is a Bondsman—newspaper man. Prior to that I worked for the railroad for years as baggage man,

I worked as dining car waiter and worked in the Post Office three years. My line of work as dining car waiter was Santa Fe, L. & N., New York Central,—all of them. I spent about two or three years in that work. I was born in New Orleans.

Q. Now, I direct your attention first to the case referred to here as the Beisner farm case. Did you have anything to do with negotiating the bond in that case?

A. Yes, I did.

I got a call from Frank Hodorowicz on a Friday night, and he told me, he says, "There is two fellows coming down to see you. You know one of them. They want to see you about a case, and I want you to do what you can for them."

About 9:00 that night, a man by the name of Bill ..... and Adam Milas came to my house and Adam says, "Tony",—I know Adam, I didn't know Bill; "We got a peculiar situation and we want you to help us out." I said, "What is it?" He said there was a man arrested by the name of Niess, and I want you to understand I got nothing to do with this still, but I sold the still to Vic and outfits, and they don't know how to run a still. I sent this Niess out to show them how and put it up, and Vic called me and told me now that Niess is arrested and what should he do. I told him "He is your man, you get him out." He says "I don't want that boy to stay in jail, he don't know Vic or that bunch, but he knows me, and I don't want him to stay in jail. I tell you what I think. I think Vic should pay for the bond, don't you?" I said, "That's true", and he said, "I will give you the money for the bond and we will get in touch with 1063 you about the other bond. If Victor pays you, don't let him know you got any money to pay this boy's bond, and if he doesn't pay you, we will get it some way". He says, "How much is the bond?" I said to wait, that I was not downtown and would call my partner. I called my partner and asked him to look it up and he said four fellows were arrested and the bonds were three thousand apiece.

So I told the fellows the premium was three hundred dollars and they asked me to shade it down, because they didn't have much money. Adam said, "I don't know what I got," but he gave me three hundred dollars and said, "If Vic pays for that bond, you keep fifty dollars for

yourself and turn two fifty back." I said, "O. K. that's fine."

That same night Vic called. I had known Vic since 1932 or '33. He said, "Tony, I got troubles." I said, "Yes, I heard about it." Vic said, "I want to get the boys out on bond. When can I see you?" I said, "You can see me now, I am home." Vic said, "Well, I have to get the boys together and we will see you tomorrow. Where can we meet you?" I said, "On the sixth floor of the Federal Building." "No," he said, "the boys will not come to the Federal Building. How about meeting me where I met you before?" I said, "That will be fine". That was the Insurance Grill.

The next morning I came down at 9:30 and met Victor Raubunas in the Insurance Exchange. He had with him this fellow Farber, who I didn't know, and Dewes, who I didn't know, either. I said, "Hello, what is in your mind?" He said, "Oh, we got a lot of trouble. They got four fellows arrested and I have to get them out." I said, "Yes!" The bond is three thousand apiece. That is \$1200.

Farber says: "Tony, I don't know you, but the reason we are here,—there are not four, I was one of the 1064 defendants." Vic said, "Would you make the bond cheaper, Tony?" I said, "You ought to know the price. What you got? And I will tell you about the bonds." Vic said, "I got three hundred dollars." Eddie Dewes said, "I ain't got a dime and I would just as soon be in jail. I don't give a damn about the fellow." Eddie Farber said, "I will bear myself out, I ain't got no money." I said, "You want three defendants out, don't you?" He said, "That is what we got you here for." Vic said, "I don't care anything about Widzes, and I don't care anything about Niess. Let Adam get him out, he is his man. I am interested in the farmer."

I said, "O. K. I will get in touch with Adam." In the meantime, see, I got that money in my pocket. I said, "Who is the lawyer? Have you got a lawyer to represent you?" "Yes," Farber said, "Abe Marovitz." I said, "You got two men to get out. Get Abe Marovitz to come in and reduce those bonds, or try to reduce them. Then you might have enough money to make the bonds."

Farber says, "Look, I can't get Abe to come in and do that. He is representing me for nothing, not a dime,

and to go and ask him to represent all of those, would be asking too much." I said, "Why not hire someone?" He said, "What do you think, we ain't got no bank roll, but Widzes has four hundred dollars and that will make four hundred on the bonds."

Farber leaned over and said, "Do you know Kretske?" I said, "Yes, he is a friend of mine." He said, "I think Kretske might help a man out and wait for the money. Do you know him well enough to talk to him?" I said, "Yes, I will take the boys over and ask him, but today is Saturday, a short day. I am going back in the afternoon." He said, "You go to Kretske's office and have him to come over and reduce those bonds, or 1065 send one of the boys over." I said, there would be no trouble in reducing them. I said, "I got three hundred dollars. What do you want me to do?" Raubunas said, "If you can get both of them out for three hundred dollars, do it; but if not, get the farmer out." I said, "You go and see Kretske, and when I get these men out, I will bring them to that office and you fellows wait there until I get there."

At that time Mr. Kretske was practicing as a lawyer over on Dearborn street.

Well, I came over with six hundred dollars in my pocket, three hundred dollars I got from Adam Molis and three hundred dollars from Victor Raubunas. I met Alderman Krohn and I said, "Hello, Chief", and he said, "Hello, Tony." I said, "What have you got?" He said, "I am trying to get a bond reduced for Widzes. He has got but one hundred dollars and Glasser don't want to cut it to one thousand dollars. I said, "Get him to cut it to two." I know the guys behind this still and they will make his bond."

He went over and talked to Widzes and went into Mr. Glasser's office and was in there for about fifteen or twenty minutes, and then went in the Commissioner's office.

I knew the bonds were cut to two thousand dollars. I got Niess out that morning, on Saturday morning, and got the farmer out. The bonds were two thousand dollars apiece. I said, "Today is their day. I can't get surety for the other fellow, but I will have him out the first thing Monday."

Q. Who are you talking about now?



A. The man that was left in jail, Widzes. I took these men over to Mr. Kretske's office and said, "Here is the farmer and here is Neiss. Widzes will be out Monday morning. Of course, I only used two hundred dollars of your money. There is another hundred dollars. 1066 Who will stand for my one hundred dollars?" He said, "Don't worry about your hundred dollars, that will be O. K.", and Farber said, "sure."

I said, "I will have him out Monday morning." Monday morning I made Widzes bond, so when I got him out, see, I said, "Look, Mr. Widzes, Mr. Raubunas said you had one hundred dollars in jail and I am one hundred dollars short." He said, he will make it good, so I let him go home. He said, "Don't worry about your money, I will see Vic and we will make it good," so he goes home. It was about 2:30 and I knew it was too late to get money out of the bank, so I did not expect to hear from Raubunas that day.

The next day I said to my wife, "Did Vic call me?" She said no. I called his house and asked his wife to have him call Tony. Well, Vic don't call me, so I call him the next day. I said to him, or his wife, who answered the phone, "Mrs. Raubunas, is Vic there?" She said, "He just went out." I said, "Tell him to call me or I will pick up those guys."

That night about 10:00 o'clock Vic called me and I said, "Where is my money? What is the trouble?" "Well," he said, "I let Widzes take care of that. I put in three hundred dollars and nobody else had a dime." I said, "Look, Vic, I expect you get me my money." He said, "Well, I will see him tomorrow morning and will meet you at the same place about 11:30 or something like that," so I said "O. K."

At 11:30 I went to the Grill and he and Widzes were there and they paid me my hundred dollars. That squared things up. I never heard from Raubunas directly for quite a while, but he did come to me on another still that was unmentioned here.

Q. Well now, all during your conversations about those bonds and your transactions, did you receive any money except what you told us you received and which was your premium?

1067 A. No, sir, that is every dime they had.

Q. Did you receive any money over which there was any conversation in which the word "fix" was used?

A. Impossible, ridiculous.

Q. Did you use that word in discussing in terms of your bonds and things.

A. You know, we have a common term around here. "O. K., I will take care of that. I will fix it up for you." We don't use "fix", in the line of bribing someone.

Q. Any time you used the word "fix", you were referring to your bonds?

A. There were a thousand things to do on the bond. That is taking care of it.

I never in my life gave Daniel Glasser any money. I been here ten years and never gave nobody any money. I never did in my life promise Mr. Glasser any money. I never got that good with him. I never did while Mr. Kretske was an Assistant District Attorney give him or promise him any money or anything of value.

Q. During these conversations with these various people that you were thrown in contact with, concerning bonds, did you ever take money from anybody or tell them that the money was for the purpose of fixing their case?

A. No, no, never.

Q. Now, I will direct your attention to another case that has been involved here. That is the case of Kwiatkowski. Tell the Court and Jury in your own way, what your connection, if any, was with that case.

A. Well, Kwiatkowski was referred to me by Frank Hodorowicz, who I have always considered a friend of mine, and he referred lots of business to me. He called me on the phone and said, "I have an old man coming down that was picked up yesterday, by the name of Walter Kwiatkowski." I just couldn't get that name, so he spelled 1068 it to me. He said, "You will know him, he is an old man about fifty-five or sixty years old. I want you to take him out on bond." I said, "Who is going to pay me?" Frank said, "Just bring him out and he will pay you."

I came down to the Commissioner's office that day, and in comes old man Kwiatkowski. I did not say one word to Kwiatkowski at the Commissioner's office, because I heard the judge ask him questions and he couldn't answer the questions. They asked him if he wanted to get a lawyer and he said "Yes". The case was continued and I bailed him out.

Q. When you bailed him out, did you already have your money for the premium?

A. I didn't have a dime out of him.

Q. You were willing to take Frank Hodorowicz' word that you would be paid?

A. I have took it for two thousand and I would take it for one bond. I got the man out and he and I took the street car and went out to the Hodorowicz store. I said, "Frank, here is your guy". Frank said, "All right, how much do we owe you?" I said the bond was twenty-five hundred dollars. He and I had an arrangement that I would knock off two per cent for him, as he could give that to the other fellow, whatever he wanted to do. I had that arrangement with Frank. He said, "Save him, he is O. K." I said, "I want two hundred dollars." He said, "You will have to take him to the police station to get your money, to South Chicago."

He also loaned me his car to drive Kwiatkowski over to the South Chicago Avenue station. When we got over there, Walter gets his money and he hadn't quite two 1069 hundred dollars,—just something around one hundred and eighty dollars in an envelope. I reach for the money, see, so Walter reached for the money and I said, "Frank told you to give me two hundred dollars." "Well," he said, "wait a minute. Two hundred dollars for what?" I said, "Two hundred dollars for the bond." He looked at me and I said, "Keep it and go back with me." Walter Kwiatkowski had a receipt from the police in order to get his watch and I think keys and his money. The police had taken that away at that he was arrested and gave him a receipt.

I took him back to the store and he still don't give me no money. So Frank says something to him in Polish and he turned the money over to me. I think there was around one hundred and eighty dollars there. Frank said, "I will have to get the other money", and I said, "Can't you go out and give it to me now?" He said, "Sure", so he goes and gives me fifteen dollars.

He said, "What is that lawyer you recommended for Pete?" I say, "Balaban?" He said, "Yes, that is him." "We got to get someone cheap to look out for this old man."

He said, "Take him down,—or Monday I will send him down and you take him over." I said, "Look, I don't mind that the lawyer won't be able to get anything out of it, but you go with him and explain to him in Polish." I would have done it, see, but he couldn't understand. He

gave me the two hundred dollars and I left the hardware store.

The next week I am told,—I don't know, see, but they went over to hire Mr. Balaban. The next time I saw Walter was when the hearing came on and Mr. Balaban represented him, and I was there and sat there until he was discharged.

1070 The only money transaction that old man and I had was the premium he paid me for that twenty five hundred dollar bond I made for him. There was no money paid to me in that case by anybody for any purpose. Never was discussion about it until later. Later on Kwiatkowski came back to me with a man that he represented to be his nephew. I can't say how long that was after Kwiatkowski was discharged, but it was quite a while, five or six months.

I was on the eighth floor of this building, and this man came up and asked, "Who is Tony?" I said, "I am Tony." He said, "Do you know this gentleman?" I said, "Yes, I know him, that is Mr. Some kind of a name, but I can't remember."

So he says, "This is my uncle, this is Mr. Kwiatkowski." I said, "Yes, how are you?" He said, "My uncle has been indicted again, see? What are you going to do about it?" I said, "What am I going to do about it? What do you mean?" He said, "Now look, this old man was discharged, and he has no business to be brought back." I said, "Who am I to say? I make his bond before, now I will make his bond again." "No," he says, "he ain't got no money." I am interested in the case, see, and I said, "Go and see his lawyer." He said, "Who was his lawyer?" I said, "Oh, he knows, but I will tell you." So I tell him and give him the address, and I said, "Go and see his lawyer." He said, "All right, thanks", and left. In about an hour and fifteen minutes, this man came back alone.

Q. The fellow that called himself his nephew?

A. I thought he was, see? He spoke Polish to him, but he came back alone and says, "Say, you better get that six hundred dollars you took from that old man. He is going to squawk about it." I said, "I never took any six hundred dollars from him." He said, "Why, he said so."

1071 I said—excuse me, but sometimes my language isn't fit for ladies. I said, "That isn't true. I don't believe he said that. Why didn't you tell me that when you had the old man up here?" He said, "Well, I will

bring him back." I said, "I will be here, bring him back." He said, "I will bring him here tomorrow morning at 10:00 o'clock." I said, "Fine, I will wait for you."

Well, they did not show up, so I figured it was a joke. The next day about 11:30 here came him and the old man, see? He said, "Now, you ought to get together." I said, "I ain't got nothing to get together about. You told me I took six hundred dollars from the old man. There he is, let him say that I took six hundred dollars from him." He said, "Walter, is this the man that took your money?" Walter looked at him and didn't answer. I said, "Let the man answer. Don't try to force him to say that I took six hundred dollars from him." He said, "Walter, is this the man?" Walter said, "I give you two hundred dollars." He said, "I know you gave him two hundred dollars, but didn't you give him six hundred dollars to take care of the case?"

I say, "Go ahead, Walter, tell him." He said, "No, I give him two hundred dollars." He said, "You know what you did? I came here yesterday and accused this man of taking your money. I owe him an apology. Now, tell me, did you give this man your six hundred dollars?" Or something like that. Walter say, "No, not him," so the man shook my hand and says, "Mister, I am sorry, but that old man really told me that, but I see you did not get the money." I said, "Oh, forget it. I did not think the old man would say that."

1072 Q. Did you later find out that that man who said he was the nephew, was in fact a Government Agent?

A. To be truthful, I could not say today if he was Government agent, but I was told he was. I saw him in the District Attorney's office about two weeks ago. He told me he was from Detroit and I thought the Government would clear me of this money, because Mr. Bailey said he would. I don't like it. Don't think for a minute that I like it a bit, see?

Q. Now, I want to direct your attention to Peter Svec. Did you make bonds for him?

A. I made one bond for Peter Svec. That was sort of an accident. There were three defendants in the case, and the people behind that outfit made Surety Company bond and Peter Svec—I never made bond for him until that time, and the Surety Company would not take him on bond, because he was out on an appeal bond. I made one bond for Peter Svec. That is the bond he made when the agent

arrested him as he was going past the still. He was discharged on this hearing.

Q. Did you ever get any money from Peter Svec except for premiums?

A. I never got a dime for premium, either. The other people paid for the bond.

I did not ever take any money in that case, where I represented it was for any illegal purpose. He did not contend that. I did not. Kwiatkowski did give me an explanation about why he told the man he called his nephew, a lie about this six hundred dollars.

I got in touch with Frank one night, and I said, "There is something shady about this old man's proposition here. You are the one man knows I did not take any money from him." He said, "The old man will not say that, forget it."

I said, "He already said it. He told a man that I hear 1073 is an agent, he did not point me out in front of the man; but there is something fishy about the thing." He said, "Well, meet the old man here tonight at Tony's across the street and talk to him."

So I went over to Tony's, his brother's place, and in came Kwiatkowski. I said, "Wait, Walter, why did you bring that man to me the other day? He had a time getting out of you about the six hundred dollars. Did I ever take six hundred dollars from you for anything?" He said, "No." He said, "That was not my nephew, that was a policeman." I say, "A city policeman?" He said he didn't know, that he is a policeman. I said, "You must have told him that I got the money." "Well," he said, "they told me I am going to get five years if I don't say it is you." I say, "How come you pick me? Did you pay anything to get this thing straightened out?" He said, "It cost me six hundred dollars." I said to him, "Why don't you tell who you gave it to?" He say, "Well, I know, I don't remember. It cost me six hundred dollars."

I said to him, "Don't you give me any trouble, I don't want that stuff on me, see?" So there was a little talk pro and con. I don't remember all that was said, but that was the substance of it. When I refer to Frank and Tony, I am referring to the Hodorowicz brothers. I have never been out to that Hodorowicz Hardware store in my life with Norton Kretske. I remember a man by the name of Stephen Ostrowski. I received a telephone call from him concerning bonds.

There was a call left at my house to call Steve Ostrowski.



I did not know Steve Ostrowski. That was when I came home in the evening. I had cards made with the name of my bond company on that I represented, and I used to drop them cards out rather freely. Well, he called and said he left a call and said to me, "I want to see you on business," and I said, "O. K., right after supper."

1074 So I got in my car and I drive to 119th Street, which was a real estate office or contracting office. This man was doing decorating when I got there. He said, "Are you Horton?" I said, "Yes, I am. Did you call my house?" He said, "Yes, but I called for another man. Are you in a hurry? I will get in touch with him for you." I said, "All right," and he told me to sit down. I then sat down and he called on the phone and in about half an hour came Patsy Rocco. He introduced us as "Rocco, this is Horton. He is the bondsman. You can have my office and talk," just Patsy and I, see?

Patsy tells me this is his story: "Look, I think we are going to have some trouble. Did you read about that still that blew up." I said, "Yes, I read about the still that blew up, I get the newspaper for those things." He said, "They have not arrested anybody yet, but there is a man that lives in the house, by the name of John Paretti. His wife is pregnant. The police came there, the agents, and they left word with the woman that when her husband came home, to have him lay off and come down to talk to them." This is Patsy telling me what went on. He says, "I don't want this man to be held down there without bail. I want to get him out right away. He is an ex-fighter and a friend of mine." He said, "I want you not to leave him stay in jail. What is the procedure; how do they do things?"

I said, "If he lived in that house, they will take him to the Alcohol Tax Department and then they will bring him to the Marshal's office and arraign him before the Commissioner. I will be in the Commissioner's office, so give me his name and address and tell me what he looks like, and I will bail him out."

1075 He said, "Fine." Of course, we all may be in about this thing, because this guy that stayed with us, this Murphy—that is Paretti, somebody told him when we were disconnecting that place, we ran out and left his wife and she was pregnant. My partner has gone over to try to square things with him.

I said, "How come the place blew up?" He said, "We

got a tip to move the place, somebody had wrote a letter about the place and we got a tip to get it out. We was stealing gas, and in breaking the gas tip, the thing got caught on fire and they jumped out and didn't get the lady."

I said, "If you don't square that guy, they will have you all in jail." Then he say, "You fellows own that jail." I said to him, "You won't need a bond for him, you will need one yourselves." He said, "I think we will be able to square this fellow." I told him,—he told me first, "I tell you what to do, you get on the lookout and if they bring him in, what do bonds run?" I said fifteen hundred dollars or two thousand dollars.

Ostrowski then said, "Don't bring this guy in here. Take him around the saloon." He said, "All right." He said, "I will give you the phone number and you can call me at this number and let me know what the bond is. There will be no question about the money, only get him out."

I got that number and came down the next day and waited for the man, and he did not show up. I asked the clerk, "Are they going to bring somebody from the Alcohol Tax Department," and he said no. I stayed around there until about five o'clock that evening. Then I called this number and got Patsy and I say to him, "They did not bring that fellow in." Patsy said, "He went downtown and has to go back tomorrow. They are not through questioning him." I said, "Well, I will stick around," 1076 and the next day I came down and stayed until the place closed, and no Paretti. That evening I took a roll out south to see Patsy in person, and said, "Has that fellow been down yet?"

At the second conversation Swede and Patsy were present. In the saloon. I said, "That fellow did not show up. Did he go down again?" "Yes," he says, "and he gave a statement to the agents. He said some agents questioned him a lot and he promised to help them find the owners of the still and a lot of blah, blah.

I said to Patsy, "That guy must be snitching, must be stooling, or they would lock him up." Patsy said, "Well, what the heck, we will just have to make bond. I don't think he is that kind of guy." I say, "When I see him coming I will know him and I will know you, and you can introduce this man. You fellows can tell about it if he comes. I got his name and will take him up."

Well, I came back downtown, and for about a week, I never heard a word about the case. I think it was on Saturday afternoon, I drove out to see Patsy Rocco. I said, "Say, Patsy, those fellows didn't come in. I have been hanging around there until 5:00 o'clock at night. What happened?" He said, "Nothing happened, the agents have been around with that Murphy, trying to find the others." I said, "Aint you going to take care of me? I need some dough. I have been overstaying my time down there."

Q. Up to this time, had you received any money?

A. Not a nickel. Patsy say to me, "Jesus Christ, don't talk money to me. This thing has cost me a thousand dollars." I say, "For what?" Patsy said, "I have to give them people some money and represent the place and make settlement with the gas company. Don't ask me about money, I am nuts. I will take care of you." So I said, "All right, forget it."

We had a conversation in general, I think I ordered something to eat. They paid for it, it was their place.

There was nothing ever discussed about no Mr. Joppek. I never knew him until Mr. Bailey asked me about Mr. Joppek. I say, "I don't know no Mr. Joppek." Nothing was discussed with me about Joppek. I found all about Joppek in the last month since I was indicted.

Q. All during your talk with Swede and Patsy, did you at any time tell them you could fix any case?

A. It never was discussed, Mr. Scott, honest to God.

Q. Did you at any time take any money for that purpose?

A. No, sir, not a dime.

I have been around here in the bond business about eight years actually. In my line of work I became acquainted with all of the Assistant District Attorneys and all the lawyers and all of the judges.

(The witness was withdrawn.)

JOSEPH A. GRABER, called as a witness on behalf of the defendant, Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Joseph A. Graber. I reside at 8201 South Elizabeth Street, Chicago. I have been at the Bar about 34 years. I do hold an office of trust and honor here in the community. That office is Judge of the Superior Court of Cook County. I know the defendant, Norton I. Kretske. I have known him about seven years. I know his father about ten years.

1078 In my acquaintanceship with the defendant, Norton I. Kretske, I did also become acquainted and have among my friends, friends of his. In that way I learned the general reputation he did bear in the community. Prior to this trouble, for being an honest and lawabiding citizen. It is good.

(Witness excused.)

HARVEY M. ADAMS, called as a witness on behalf of the defendant, Roth, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Poust.*

My name is Harvey M. Adams. I reside at Arlington Heights, Illinois. I am a lawyer. I am acquainted with the defendant, Alfred E. Roth. I recall the case of United States *vs.* Dewes, Duthorn and others, in which Mr. Roth represented Mr. Dewes. I represented one of the defendants, Leo Duthorn, in the United States District Court. That case was tried in the District Court here before Judge Wilkerson. I collaborated with Mr. Roth in the preparation of that case for trial in June 1939.

Q. Just go on in your own way, and tell what you did and what Mr. Roth did.

A. I came into the case the latter part of May, 1939, on behalf of the defendant, Leo Duthorn.

As I recall it, the case had been set for trial for May 22d. I was retained by Duthorn two or three days prior to that date.

I made an investigation of the records in the District Court. I appeared before Judge Wilkerson on 1979 May 22d, and entered my appearance in the case in his behalf, and at that time I stated to the Judge my position in the matter, as being unprepared for trial, due to the fact I had not had sufficient time to prepare for trial, and asked for a continuance. One of the attorneys representing one of the other parties in the case was sick.

Daniel Anderson was the attorney who was ill. If my recollection serves me correctly he represented the defendant, Victor Raubunas. At that time on our motion, Judge Wilkerson continued the case and re-set it for trial for June 13th. On leaving the court room, I spoke to some of the other counsel in the case, and suggested that, in my opinion, we should have a conference in regard to the matter, and our respective clients' representation. At that time, no time was fixed for the conference. We did afterwards hold a conference. It was held on June 16, 1939 in the office of Mr. Roth at 10 North Clark Street in this city. Mr. Roth was present. He represented Dewes. Mr. George Cohen was present. If my recollection is correct, he represented Adam Widzes, I believe the name was, one of the defendants. I cannot recall the name of the other gentleman. He was from Mr. Anderson's office.

Q. Was the name Arkema, from Mr. Anderson's office?

A. I cannot recall the name, he was a young man.

He was there on behalf of Raubunas. Raubunas was present. Dutborn was present and Beisner was present. I don't recall who was his lawyer. I believe it was Mr. Kretske. I know Mr. Kretske. That is right, he was present, representing one defendant by the name of Beisner, supposed to be the owner of this farm where the still was located. According to the best of my recollection, all of the defendants excepting one or possibly two, were present. All counsel were there. We were preparing for trial. The conference lasted approximately an hour and a half; possibly a little longer than that, two hours, possibly.

Q. Did Raubunas or Dewes or any of the men present there, who were defendants in that case, say anything about paying money for a fix?

A. No.

Q. Was the preparation that was made there on that day, with the idea of fighting the case on its merits?

A. Yes, sir.

*Cross-Examination by Mr. Ward.*

The date of that conference was June 16, 1939. I do recall that you prosecuted that case. It is not right that my client was discharged at the close of the Government's evidence. He was discharged before the close of the Governments Case on my motion.

Q. You don't recall the name of Mr. Widze's lawyer at all, being at that conference?

A. Mr. Cohen, as I recall.

Q. You know Mr. Cohen did not represent him before Judge Wilkerson, don't you?

A. George Cohen represented one of the defendants. I was under the impression it was Adam Widzes.

Q. But you may be mistaken?

A. I may be mistaken.

(Witness Excused.)

1081 ANTHONY J. HORTON, one of the defendants herein, having been previously sworn, resumed the stand and testified further as follows:

*Cross-Examination by Mr. McGreal.*

I am thirty-five years old, will be thirty-six in June. I have been in this building about eight years. I arrived here just about 1932. I don't know what time of the year I got here. I don't know what time of the year it was. Prior to coming here I had a cafe and club in Cleveland. Oh, I think I got in it in 1929, right before the crash. I was in it about three years. My cafe in Cleveland was at 49th and Central, the Apex. I owned that place. I had about twenty-one employees. Prior to going into that business I was down South hopping bells, waiting in hotels. I had just come from down South. I came from New Orleans in 1927 and stayed until 1928. Then I went to Cleveland and opened up this cafe in 1926. I was down in New Orleans in 1927 and then came to Chicago. I remained in Chicago not so long. I made a couple of trips to California on the Santa Fe and then pulled up. I was working on the railroad all the time. I was a waiter. That was in 1927. I have been in business for myself since I have been here. When I came to Chicago from Cleve-



land about 1932. I have not worked for anybody. I always worked for myself except a short time on the State payroll. I met Mr. Kretske when he was District Attorney. He was in the Bond department. I could not say exactly what year that was.

Q. When did you first meet Mr. Glasser?

A. Well, when you say "meet," you puzzle me.

1082 Q. Oh, I don't puzzle you, Tony. You know what "meet" means, don't you?

A. I did not meet Mr. Glasser to talk to him until he was here probably six months.

I don't know when I met him. I don't know when he arrived here. I was not joking with you, Mr. McGreal. His office was upstairs in the rear of the hall on the eighth floor. At the time I am speaking of Mr. Kretske had a private office and Mr. Glasser had an office by himself.

Q. Later on, who occupied that office with him?

A. Mr. Glasser and Mr. Kretske had an office together in the rear. I saw them every day I was here. I got down in the morning 9:30 or sometimes 10:00 o'clock. Generally I left the building about 3:30 or 4:00 unless I had business with someone. I don't have an office in this building. I am all over. If there is some interesting case and there is nothing before the Commissioner, maybe I am in the court room, maybe I am in the Commissioner's office.

I do spend considerable time quite often in the hallway outside the Commissioner's office on the eighth floor. I know where that tavern is in the Insurance Exchange Building. I have been there. The first time I went there was in,—I won't attempt to tell the year. It was when I took Boguch and Lincoln Rankin out. I mean Ralph Boguch and Lincoln Rankin. I took them out of the jug, the jail. They were charged with some kind of whiskey case, still case. I am pretty sure, from what I have heard here that that was the Western Avenue case. I posted their bond. I did receive a premium or payment for that. I will tell you who paid me. Mr. Kaplan actually paid

me. I mean Louis Kaplan, one of the defendants  
1083 here. After I took Boguch out,—wait, I am mixed up. The first bond Raubunas paid me. Raubunas introduced me to Mr. Kaplar. I took Boguch out again at a later date. Raubunas was not there. Raubunas paid for the first bond. I think I got \$350.00 or \$400.00

for the two bonds. I think the amount of the bond was \$2500.00. Victor Raubunas was the first to communicate to me in reference to that bond. He communicated with me at home. I would not attempt to say what time of day or night it was, generally after 5:00 o'clock. I took Boguch and Rankin out on bonds the next day. Off-hand I don't know who was the surety on that bond. I do not know Louis Pregonzer. I do not know Joe Cole. I met these men out in the hall last week.

Q. You were over in the Insurance Exchange Building that morning. Who were present.

A. I don't think it was that morning. It was afternoon, some time after the wagon goes in. Kaplan and Raubunas were there.

Well, what happened, Kaplan was there when I brought the prisoners and Raubunas had not come with the balance of the money. Boguch and Rankin were the prisoners. I brought them to the Insurance Exchange Building. I told them I got the check. Kaplan was there and Raubunas came later. Nothing out of the ordinary was said at that time. I say, "Here is the men." and they start counting out the money at the end of the bar. I think I bought a drink and left them there. The next time I went to the Insurance Exchange was when Boguch was arrested. Boguch and Rankin was arrested on this first time. The next time was the removal, extradition. I judge it was Mr. Drymalski that was handling that removal case. Boguch was not removed. I undoubtedly was in the court room when they had a hearing.

Mr. Drymalski represented the Government. I think Mr. Max Weisbrod represented Boguch.

Q. Was Kaplan there?

A. No, I could not get them guys near the building.

Q. What was that?

A. I could not get them near the Federal Building.

Q. You couldn't get them near the Federal Building, is that right, Tony?

A. Not on a bet.

They did not like to come over here. I saw Kaplan in here once. I brought him in that day. I commenced to see Raubunas in the building quite regularly after he was indicted. I saw Dewes in the building whenever Raubunas came up, Dewes was along. Prior to that time, I did not see them around this building.

Q. Going back to the Insurance Exchange, when Farber was there, was this the third time?

A. Yes.

Raubunas and this man Dewes was there, three of them. We sat in the booth. Well, Raubunas had to introduce me to Farber and Dewes. I didn't know either of them. Farber, it seemed, done most of the talking. I was the first man to open up, as far as conversation was concerned. I told him, I say, "How many men you want to get out?" He said, "Four of them." I said, "Yes; the bond is three thousand dollars. That is twelve thousand dollars. That is twelve thousand dollars." "No," he said, "I am one of the defendants, I got out last night." I said, "You got three men in." "Well," he said, "I am not interested in three, just two." He mentioned the names of the men. They were Niess, Widzes and the farmer, Beisner. There was something said about 1085 getting out the farmer. Raubunas said, after we talked about money, they let me know they were not interested in Neiss. I am getting to what was said about the farmer. After the money was so short, Raubunas said, "I am not interested in nobody but the farmer. Widzes is part owner. He can stay in jail until we get the money, but I want the farmer out today." He said the farmer knew him. It was one of those general conversations.

Q. Do you always get twelve hundred dollars for that amount of bond?

A. Well you ask for twelve, but you take what you get, see?

In this case I got seven hundred dollars. My wife has some books in connection with my business. I do not have them with me. I kept no record of that transaction, but I know it.

Q. Now, as a matter of fact, Mr. Horton, is it not true that at that time and place, you said for twelve hundred dollars you could take care of the case?

A. That was not even discussed. Was I going to discuss the case with these men?

Q. There was nothing wrong about taking care of the case, was there?

A. Positively not.

I did not use the word fix, that is true, I did not. I know Christ Del Rocco. I know Swede Swanson. I met Del Rocco first at Ostrowski's place. I drove out there.

Somebody called me up first and I went out there then. I did know that the still had exploded at 119th street, but I didn't know that was what I was being called for. I think I did know on the way out that had exploded, there was a headline in the paper.

1086 Q. You were interested in stills around this district, weren't you?

A. I still am.

I know the people behind these stills, and still do. I knew who was behind most of them. I did not know who was in that still.

Q. But you knew who was behind the others?

A. What do you mean?

Q. You said you were interested in stills in this district.

A. Yes, but the only way you know who is behind them, is if they tell you.

I did not know at that time who was behind that still. I did not know Christ Del Rocco at that time. I did not know Swede Swanson at that time. I never knew Vic Joppek.

Q. How much money did they give you in that tavern?

A. Not a dime, not a dime. What is your reason for that?

Q. I have no reasons, Tony. You give your reasons. How much did they give you?

A. Not a dime.

I had no conversation with them at that time. I had a conversation with Patsy. I did not tell Patsy I could take care of that violation he was connected with for five hundred dollars, five hundred dollars was never discussed. He did not give me five hundred dollars. I just met them. They going to give me five hundred dollars? That did not happen.

I do know Frank Hodorowicz. Patsy Del Rocco and Swede Swanson were not connected with Frank Hodorowicz at that time, but later on, after they killed Joppek, they got together.

1087 Q. How did you find out they killed Joppek?

A. I find it out.

The Court: What evidence have you that they killed Joppek? If you have, you had better report it to the proper authorities.

A. I got my information pretty straight.

The Court: You had better give it to the proper authorities, if you have any.

A. I will be glad to do that.

Mr. McGreal: Q. Didn't Christ at that time tell you that five hundred dollars was a little too high?

A. There never was any discussion with Rocco and me about five hundred dollars, never.

There was no amount mentioned, nothing to do at that time. I remained out there about twenty-five or thirty minutes. Mr. Ostrowski called and requested that I come out. Swanson did not show up at all that day. The next meeting was three days after that, or four, in the tavern right around the corner. It must be on 119th street. I had a further conversation at that time. The explosion of the still at 119th Street was not discussed,—the idea of the man not being brought in our district. Joppek I never knew to be interested. I don't know Joppek. I can't say that I was in the building when Joppek was brought in by Agent Goddard of the Alcohol Tax Unit, I can't say I was not. I never knew the man. I never did discuss Joppek with Mr. Glasser or Mr. Kretske.

Q. Did you ever see Joppek in this building?

A. I don't know the man, Mr. McGreal.

I have seen Swede Swanson or Christ Del Rocco in this building.

1088 Q. Did you have any other meetings with Swanson and Del Rocco?

A. My next meeting was not with Del Rocco at all. It was with Swanson. He was wanted in Cleveland, and I met Swanson.

I had a conversation with him.

Q. At that time, did you mention the five hundred dollars?

A. No reason for it. I never talked five hundred dollars to these men. I talk two hundred and fifty dollars.

Q. Remember that Sunday morning at Frank Hodorowicz' hardware store?

A. I can say truthfully, I never was at or out in that part of town on Sunday.

I never was in Frank Hodorowicz' Hardware store on Sunday. I am out there on an average of once or twice a month.

Q. About the time that the Stony Island avenue still was raided did you go out there after that?

A. That is the still over on 69th Street? I was out there.

I have never taken any one with me but my wife. I could not say off-hand who was there when I got there, other than the home folks there. I don't think Christ Del Rocco was there. Generally Frank is there. I never was there with Mr. Kretske at no meeting with Del Rocco and Swanson. I don't think I made the bonds in connection with the Stony Island Avenue still. I think they made their own bonds. I know I was not out there that morning. I never had any discussion in my presence about twelve hundred dollars. I was not there the afternoon the five

hundred dollars was paid on account. I did go over 1089 to Mr. Kretske's law office. It was at 7 South Dearborn Street. I would go there just as often as I had business. I could not fix any definite day or time. There has been two months elapsed and there have been at least four times one week. I could not say how many cases I handled with Mr. Kretske. I couldn't say how many. I made most of his bonds that wanted Professional bonds.

Q. Do you remember the names of the defendants?

A. If you call any of them, I can tell.

Q. You call them, you know them.

A. I can't do it offhand.

I made a bond on Netko-Buchanek. The bond was either one thousand or two in that case, something like that. It was finally a cash bond. If I am not mistaken, six thousand dollars was the total amount of cash put up as bond. That was not my money. I borrowed it from Mr. Balaban.

Q. Did you post any collateral when you posted that six thousand dollars?

A. I have security on money.

That bond was forfeited. There was a motion made to vacate the forfeiture. I couldn't say who made that motion.

*Examination by the Court.*

I don't know, Judge, what attorney made that motion. There was three motions made. Some lawyer made a motion and Mr. Ward went downstairs and vacated it. I don't know who was the lawyer. Somebody told me Mr. Ward went downstairs and vacated the motion. I found out the next morning that the bonds were forfeited again. And the lawyer came in. If I am not mistaken, I think Mr. Hess got the bonds vacated.



*Mr. McGreal Continues Cross-Examination.*

I know a man by the name of Passman. He is a lawyer.

He is associated with Mr. Kretske. He made one 1090 of the motions not at my request.

Q. In your eight years' experience in this building how many transactions have you had that six thousand dollars cash was put up in bonds?

A. Oh, probably three or four. I had some with twenty thousand dollars.

I remember all about this one. I did not call Mr. Passman at Mr. Kretske's office and ask him to make a motion to vacate the forfeiture. When the men did not show up that morning, I called the lawyer and the men, and the men were home. They thought they were due at two o'clock. I called Mr. Kretske's office. He was not there and I talked to Mr. Passman. He said the case is on at 2:00 o'clock and I said, "No, the judge forfeited the bonds this morning."

It was long before the posting of the six thousand dollar cash and bonds, that I received that money from Mr. Balaban. Nothing like a week. Not a day. When I got the bonds and my security lined up, I offered him the proposition to let me have the money and put it up right away. I offered him a good deal. I had a clear building, and I took a mortgage on the building. The building is worth about seventy-five hundred dollars. I took a clear mortgage on the building, and told him what I had to protect me on the bonds. I said, "There is a man in the case, an ex-brewery vendor. You know David, don't you?" He said—That is Herman David. He was one of the defendants in this case. He said, "I will let you have that money." So I always submitted whatever property I had to see if I had it tied up proper. So then he gave me the money. He made me sign a note and I got the money at five per cent. The money was to be returned to him at the disposition of this case. I communicated with Mr. Balaban when the bond was forfeited.

1091 Q. And did you also communicate with Mr. Passman of Mr. Kretske's office?

A. With everybody.

The forfeiture was vacated. The Judge let the defendant out on the bond. I never did take the money out. The Judge just reinstated the bond.

I have known Frank Hodorowicz ever since I first came to Chicago. I have been trying to wrack my brain the last two weeks, where I first met him. I really don't remember where I first met him. I think I made a bond for a fellow and he took me to Frank to get the money. That was way back. I am pretty sure the name was Spino. I can't remember what case that was, it was some kind of alcohol case. I did not make bonds on Pete Hodorowicz and Walter Hort.

Q. Remember when they were arrested in January of 1937?

A. Is that on the Indiana case?

Q. No. How about that Indiana case? Do you remember that?

A. Yes, sir.

I do remember the Indiana case. Frank called me and told me his brother and employee were arrested by agents and taken to Hammond. I asked him what he wanted me to do and he said, "It is out of town and the bond is ten thousand dollars," "That I could call for two bonds at ten thousand dollars apiece. I told him the company didn't make any bonds over five thousand dollars unless the money was put up in cash. He said, "That is a pretty big bond." I said, "We ought to try to get a lawyer to go in court and cut them, or try to cut them." He said, "Well, get somebody and I will hire them."

I contacted Captain Boddie, I asked Captain Boddie, "Do you know Judge Slick?" He said, "Yes, I know 1092 him." I said, "We want somebody to try to cut some bonds, and would like somebody that knows the judge, that he might do better." Captain said, "I will take that," so I took him out to Frank's store and picked up his wife and went. I asked Captain Boddie if he knew Judge Slick. Yes, I figured it would do some good if he knew the Judge. It really would be ridiculous to expect me to fix the case. It wasn't necessary to reduce the bond. When we got there, we were late getting there, and the Commissioner's office was closed and the agents informed us the case was on call the next morning. We came back to Chicago and figured we would take care of the situation the next morning. The men were discharged the next morning for lack of jurisdiction at Hammond. I saw the men in this building after that. They had an agreement that morning that when the complaint was taken out later these men would be surrendered. They were either picked

up or surrendered. I saw them after that in this building. I think I was present before the commissioner. The defendants were Walter Hort and Peter Hodorowicz. I think I was present when they were held over. I did not have any conversation with Frank Hodorowicz the morning they were brought in here. I did not have any conversation with Frank Hodorowicz in Mr. Kretske's office about the case. I never talked to Frank about it. I know Adam Widzes and Peter Hodorowicz and Christ Del Rocco. I know them. And Tony Hodorowicz, Mike Hodorowicz, I know all of them.

Q. Did you ever see any of them in Mr. Kretske's office?

A. Well, you got them all mixed up.

I don't think I ever saw any of them in Mr. Kretske's office. I know Frank ever since I first came to 1693 Chicago. We were good friends—still are. I don't think we went to night clubs together,—to taverns, around. We never took anybody with us. We just stopped at the corner and went around those places. Just me and Frank. Mr. Kretske was never with us. I never went with Mr. Kretske. I am pretty sure it was in his store where I first met Frank, but wouldn't swear to it. Mike was a later acquaintance of mine. He was in Texas in 1933 and came here in 1934 or 1935. I met him then. If I am not mistaken, I first met Tony about the same time as Frank. No, I met Pete the same time as Frank. I think Pete was with Frank the first time I met him. I am sure it was in his store. We always had conversations. Pete was not arrested at that time under any charge. At that time I didn't see about any bond for Pete, Frank, or Mike or Tony. I had no business out there. That is right I just went out to visit them. Frank's Hardware Store is just an ordinary store, it takes up the front of the house and in the back is the apartment. A counter, a case on the side and everything. I never had any meetings at Franks. There was no necessity for meetings. I wouldn't say there would be a gathering out there. Well, I have been out there with, I dare say, with numerous people. Every time I go, different people. I was out there and met Stanley Slesur, the man that testified in this case. I met a lot of big bootleggers who were never arrested, I met a few Government agents out there and have met a few out of town bootleggers. I also met a few working men and met a few politicians.

I never had a meeting there, but I have seen Patsy around the store. I did not see him there with Swanson; there was no conference.

Q. You were there and saw them there that morning when they talked about the twelve hundred dollars?

1094 A. I was not there.

I know Peter Svec. At one time I was surety on Svec's bond. That was the last case he had in this building after he was convicted, where Zarrattini and Nich were co-defendants.

Q. They were arrested at 713 North Wells Street?

A. I never knew where they arrested them. I presume you are right.

I was never on any other bond on them. That is the only bond I made for Svec. There was a man, there were two men that came to my house, a man named Meyers, and I forget the other fellow's name. I would know him if you had a picture of him. I would identify him. They paid me for the bond in my home.

I know a man named Yarrío. I have known Yarrío back about four or five years. If I am not mistaken, I met him right in this building on the eighth floor in the Halls. He used to come and bail men out, bailed men out here, but I never done any business with him. He didn't do any business with me. I didn't do any business with Yarrío. We all called him Sheenie. I saw him around the eighth floor about twice in the courts. I would not know when that was. Well, let me see, I do not want to be wrong about that. I just can't say but I have not seen him often. I have not been to his place or shop at 1062 Polk Street. I have never been out there. That is a mistake. I have never been out there. I have never been in that place. I drive a Lincoln Zephyr. Yes, I took Paul out there. Do you want to get that? I took Paul Svec out there. I first met Paul Svec that day he was arrested. He was locked up. I knew him before that. That was the case of December that you referred to. I took him out on bond. Nobody was with me, just he and I. We  
1095 left here together, I took him out on one of them streets over there in that neighborhood.

Q. You drove to 1062 Polk Street?

A. I did not drive to any special number, but it was in that block somewhere. He got out.

I was not paid for that bond at that time. I was paid at home the night before. Mr. Meyers paid me. Sheenie

did not pay for that bond. Sheenie was not with Mr. Meyers when he paid me. There was another fellow there, I think they called him Ely. I did not meet anybody at 1062 Polk Street. I just dropped this man off. I just took him home as a matter of courtesy. There was no one with me. There honestly wasn't anybody with me. I heard Svec testify. I think he made a mistake. I know he did. I heard him say, "Kretske was with me." Why should I deny that Kretske was with me? I didn't understand him to say we met Yarrío, because I didn't. I didn't understand that. I heard him testify, I heard him say I took him home. We picked up Kretske and took him out. I patted him on the back, and said, "Everything will be all right." I heard him testify to that. Yes, he really is mistaken. That was not the first time I met Paul Svec. I knew Paul Svec at least two years before that. I met him right here in this building. He must have been charged with a crime then, because he was getting on bond. He was getting out. I did not get him out on bond. I never talked with him about a bond at that time.

Q. Did you see Meyers or Sheenie Albert at that time when you talked to Svec about a bond?

A. You say see Sheenie Albert and Meyers about the bonds?

Q. Meyers and Sheenie Albert about the bond?

A. Different people altogether.

I did business with Meyers. I never did get any business from Sheenie Albert. I always thought until this last year that Svec was one of Sheenie Yarrío's boys. 1096 It seemed like he pulled away. Until this last case,

I made the bond in this last case and Meyers paid for it. I am pretty sure I appeared at the hearing that day when Svec was tried before the Commissioner. I think it was Mr. Roth who represented Svec before the Commissioner, not the first time, but the second time. There were two other defendants in that case. I did not make the bonds for them. One of them was Bernstein and one was Naples. Mr. Hess represented Bernstein and Naples. I think they waived examination. I am not sure about that. Svec was discharged. They had the hearing but both waived examination, I think, and the Judge discharged Svec.

I don't believe I ever saw Svec after that until he was brought in. I saw him the day he was surrendered. There was some question about getting him in on that bond.

I did not like it. And he was late in getting in. I saw him come in in the afternoon. We thought he had left the jurisdiction.

Q. Going back to Frank Hodorowicz's place there, did you ever at any time in your life hear any conversation in Frank Hodorowicz's store about money?

A. Yes, sir. I collected most of my premiums for all those fellows out there in that store.

Q. You have collected from Frank?

A. I have borrowed a lot of money from him, not a lot, I have borrowed twenty-five, fifty.

Frank paid me. I very seldom had any financial dealings with the individuals who were arrested.

Q. You never made a bond for Joppek?

A. I never did know that man, Mr. McGreal. I never knew him.

I made a bond for Swanson. I think Swanson paid 1097 me himself. I never made a bond for Christ Del

Rocco. Frank always paid me when the Hodorowicz boys would be arrested and I would make the bond.

Q. When any one of his men were involved, is that correct?

A. No, not necessarily so. There is a lot of those cases out there. You see, I had an agreement with Frank, a working agreement. A lot of those people out there were people that he had nothing to do with directly, but he knew them.

Q. Like Kwiatkowski, he did not have anything to do with it?

A. He did not strike me as having anything to do with it. There were two fellows that I say, Kwiatkowski.

Q. Kwiatkowski was sort of an independent operator?

A. I couldn't swear to that.

Q. It did not appear to you that Frank had anything to do with Kwiatkowski?

A. As far as owning a still, I really don't know.

I was not on the bond with Kwiatkowski. I never went bond with him. I first saw Kwiatkowski in the Commissioner's office. He was arrested. I talked very, very little, very little with him that day. The man couldn't understand me so well. I did not know he had \$4400.00 in the South Chicago Trust and Savings Bank. I would have raised my price for bond if I knew that. I did not raise my price when I found out. I never did find out until the case was over with. Frank Hodorowicz told me. We



got to talking about it. It was not brought out before the commissioner. That was never brought out. I did not know he had \$180.00 when he was arrested. I found that out after I took him out, he had a slip and I tried to get him to give me the money over at the station but he would not do it. So I took him back out to Frank. He 1098 paid me. I did not go directly to the station with him. I went to the Hardware store first. I saw Frank and some other fellow there, I just don't remember, I don't know his name. He was a Polish fellow.

Q. Kwiatkowski was not one of Frank's men, was he?

A. Well, you ask me to assume something. I don't know that.

Q. You knew Frank's men, the stills that Frank was interested in, didn't you?

A. Well, I will tell you now, there is a long explanation of that. I would not want to say yes. I would not want to say no. They did not introduce me to those fellows. I will answer you this way: Frank never introduced me to any of his workmen until they were arrested. He would call me and tell me to give bond to so and so, get Tony so and so out. It is Okay. I never asked him if these are your men, if they work for you. I took them out. Got my money. When the time come to have them in court I would call Frank and say, "Have so and so in Court."

Q. After the hearing you learned that Kwiatkowski's report in that case showed he had \$4400.00, is that right?

A. To tell you the truth about that, Mr. McGreal, the evidence in that case never did come out before the Commissioner, if you want me to say that.

The evidence never did come out before the Commissioner. After the case was over Mr. Balaban asked across the table, he said, "Can this man have his bank book?" I heard it. The Judge say, "What bank book?" And he says, Mr. Balaban, said, "Judge, there is a bank book and some keys that were taken from this man."

The judge said, "I didn't hear anything about." 1099 The Agent said, "Mr. Ritter has got them." He said, "Where was the stuff found?" The judge asked him. The agent told him it was found in his room.

Q. It was after the hearing that you found out that the record showed he had \$4400.00, isn't that right?

A. I don't believe I ever found out. Frank told me.

Frank did not tell me he had read the report. Frank

was over to the bank with me. Frank told me, he said, "That old man had me fooled. I didn't know he had the kind of money."

The bank book never was before the Commissioner. Not a word was said before the Commissioner about this man's financial responsibility. The agent took the stand. The Commissioner told him to tell his story. He told his story. I heard his story. I was sitting right there. I received about two hundred dollars for that bond. The bond was twenty-five hundred dollars.

Q. Who got the other \$875.00, or whatever it was?

A. That is what I have been trying to find out.

I did not get it. My lawyer did not get it. Not that I know of. He got his fee. I don't know what he got for a fee.

Q. You heard Kwiatkowski say his case came back, didn't you?

A. I know that.

I know what he meant by that.

Q. Did the Agent talk to you about the \$600.00, did he?

A. What agent?

Q. This man you said was a nephew.

A. So he was an agent?

Q. Yes.

1100 A. Yes.

This man said he was a nephew. He talked to me about it. He talked to me about the \$600.00. I told him that the story was preposterous. I did not take no \$600.00 from that man. I did not know for sure before I took the stand that he was an agent. I didn't know for sure. I will tell you. Naturally I kind of suspicioned it.

Q. The agent told you he asked for that \$600.00, didn't he?

A. Last week downstairs he did. I didn't know who he was.

Q. You testified that four or five months after the arrest of Kwiatkowski he met you and told you he asked for the six hundred, didn't you?

A. That just happened the other day, just about ten days ago, just before this trial started, when you were subpoenaeing all your witnesses. I ran into him downstairs in your office.

I certainly knew what witnesses you were subpoenaeing. I certainly was watching them closely. I talked to a lot of your witnesses. I don't know whether I did or not talk

to Mike Hodorowicz. I know I talked to Frank about two or three times when he was coming down here. I don't think Mike was with him. I think I did have a conversation with Mike about this case. I think I did talk to him about this case. I talked to everybody about it. I think I did that he was subpoenaed as a witness in this case. I did not talk about the Kwiatkowski matter. We talked about the Sweede Swanson and Christ Del Rocco matter. I did not talk about the meeting out at the store that Sunday morning. That was not mentioned. I did not try 1101 to talk about it. He did not mention it to me. We did not talk about Raubunas or Widzes. I don't know those fellows. I don't think we mentioned Kretske.

Q. Did you talk with Mike Hodorowicz about the meeting that you had with Kretske at his office?

A. No, no, no.

Q. Since he was subpoenaed as a witness here?

A. No, no.

I talked to other witnesses in this case. I talked to old man Kwiatkowski. I talked to him in Tony's saloon.

Q. Did you make any threats against him at that time?

A. I never threatened a man in my life.

Q. Did you threaten him?

A. No, no, no, sir.

We had a very gentlemanly conversation. Very quiet. He told me just the direct things they were trying to do down here. I did not tell him what I was going to say down here. I wanted to know why did he bring that man to me? Why did that man accuse me of taking \$600.00 from him, because it was news to me.

Q. Did he say anything to you about his automobile?

A. I was not interested in his automobile. I was interested in the two-hundred for the bond. That is all I was interested in.

Q. You said you sent one case to Captain Boddie, is that right?

A. Oh, I took Captain Boddie to the case.

As the result of my taking him to the case he became counsel in the case and another one after that. I did not take Kwiatkowski's case to Mr. Balaban. I would have done it. I recommended Mr. Balaban originally to those people.

Q. What lawyer did you take the Swanson and Del Rocco case to?

1102 A. I didn't know they had a case. I never knew that Patsy Del Rocco ever was arrested in this building, not never.

Q. Wasn't he in the Stony Island still?

A. Not that I know of.

Swanson was arrested with Anthony Hodorowicz.

Q. Was Joppek arrested?

A. I don't know Joppek, Mr. McGreal. It was night time, I really didn't know the man.

Q. Do you remember the day you went out to see Mr. Ostrowski?

A. You mean what kind of a day it was, or something like that?

Q. Yes.

A. No, sir, I do not.

I do not remember what time of the year it was but I know what time of the day it was, though. I did not stop into the Clerk's office and check any records before I went out there. No sir, I did not stop to check. I never knew Ostrowski before. The first day I ever met him. I do not know his father. I did not make bond for his father when he was arrested in that still. Ostrowski undoubtedly did have my card, but he made his own bond. I know how he got my card, he told me how he got it, Frank gave it to him. That was prior to the meeting I had with him out there.

Q. Now, before you went out there did you check any of the records in the building here about that still?

A. There were no records to check.

I know there wasn't. I just know. I had not made a search of the records in this building, there was no records to check. When I go home my wife tells me a man wants to see me, so why should I check records?

1103 Q. You mean to tell me there were no records to check on Swanson-Del Rocco?

A. No, I had no records to check.

Q. Wasn't there a record in this building about the still?

A. No, not the Clerk's.

Q. Where was the record?

A. How am I to know?

Q. It wasn't in the Clerk's Office; where was it?

A. How do I know?

Q. Did you check the Clerk's Office records?

A. No, I did not check the Clerk's Office records. Any-

body arrested, your records don't show until they are indicted. Where am I to go and check the records?

Q. You say now that you did not go out there and get \$500.00 in that case?

A. I certainly do, emphatically.

(Witness excused.)

THOMAS B. GILMORE, called as a witness on behalf of the Defendant Roth, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Poust.*

My name is Thomas B. Gilmore, I live in Chicago, I am a lawyer, since 1927, I am a member of a firm, Packard, Barnes, McCaughy and Schumacher. It has been the same firm for fifty years, one of the oldest firms in the City. Alfred E. Roth, one of the defendants here, formerly had an office over there at our firm. Our firm has referred Federal court work to Mr. Roth.

(Witness excused.)

1104 HARRY F. HAMLIN, called as a witness on behalf of the defendant, Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Harry F. Hamlin. I live at 1120 West Loyola. I have been a member of the Bar 33 years. I have been a member of the legislature; I was in the Army two years and came out as a Major, and I was an assistant Attorney General, assistant Corporation Counsel, and First Assistant United States Attorney, and Judge of the Municipal Court for six years. I know the defendant Norton I. Kretske for sixteen years, and in that time I found that we had mutual friends and neighbors and acquaintances. I learned the general reputation borne by Norton I. Kretske before this trouble concerning his honesty and integrity. I would say it was very good.

(Witness excused.)

HERBERT H. KENNEDY, called as a witness on behalf of the Defendant Roth, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Poust.*

My name is Herbert H. Kennedy. My address is 1348 Lake Shore Drive, Chicago. I am an attorney. I have been practicing law nineteen years. I am a member of the firm of Moses, Kennedy, Stein and Bachrach, since 1925. I am acquainted with Alfred E. Roth approximately four or five years. I have had occasion to confer with him with reference to Federal Court matters.

(Witness excused.)

1105 HARRY I. WEISBROD, called as a witness on behalf of the defendants, Glasser and Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Harry I. Weisbrod. I live at 545 Melrose Street, Chicago. I have been a member of the Bar since 1917. I was elected a member of the legislature in 1923 and served in the fifty-fourth general assembly. My practice of law includes the practice sometimes here in the Federal Court. I happened to be the attorney for one Ralph Boguch, a man who was wanted on a removal case back in Montana. I appeared before Commissioner Walker in that case. I represented Mr. Boguch, known as Ralph Sharp, I believe. Mr. Drymalski represented the government. I don't believe that Mr. Kretske and Mr. Glasser were there. I did not in any way consult or take the matter up with Mr. Kretske or Mr. Glasser. I refreshed my memory in the last two days, and after examining my file, I found a note that he stated that it was not he, but it was his father that was wanted in this removal proceedings. After the hearing the Commissioner discharged him.



*Cross-Examination by Mr. Ward.*

That is right that I refreshed my recollection in the last few days. Previous to the last few days I did not have any recollection of the Sharp removal case. I refreshed my recollection after I talked with you, Mr. Ward. That is right, I called you on the telephone.

Q. And you stated to me over the phone you had positively no recollection of that removal case at all, did you not?

1106 A. When I talked to you, Mr. Ward—

Q. Did you say that, yes or no? Did you say you had no recollection of the removal case at all?

A. Up to that time?

Q. Yes.

A. Yes, when I talked to you.

That is true that I mentioned I had something in my office with the name Boguch or Ralph Boguch on it, but I didn't have any recollection of the case, or what occurred there, it happened four or five years ago and I couldn't locate my files when I talked to you. I believe it was in 1937, 1936 or 1937, that it happened. I don't remember how long the hearing did last. My client said it was his father that was wanted. I remember that distinctly. Mr. Drymalski said something there, I just don't remember what he said. I don't remember if he offered any papers in evidence of any kind. I don't remember that he mentioned about a certified copy of an indictment. I have not looked at the file since.

(Witness excused.)

SIDNEY S. ECKSTONE, called as a witness on behalf of the defendant, Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Sidney S. Eckstone. My address is 120 South LaSalle St. I was a member of a Federal Grand Jury in this district. I served as foreman of the April 1937 Grand Jury. Mr. Glasser appeared among other Assistant District Attorneys representing the Government before that Grand Jury. Various proceedings were

had and bills and no bills returned. At the conclusion of my service, I made a report to the Court.

1107 Q. And did you bring a copy of that report with you?

Mr. Ward: I object to that. It is immaterial, Your Honor, irrelevant and incompetent, what report this foreman made to the Grand Jury in that case.

(Whereupon the Jury retired from the court room.)

Mr. Stewart: Now, the only question pending, Your Honor, was "Have you brought a copy of your report with you?" And I think I should be permitted to ask that.

The Court: And assuming the answer is yes, then what?

Mr. Stewart: Then we expect to show the report made by that Grand Jury, and it is along the line, as I understand, as my opening statement, that that Grand Jury made a report to the Court. Well, Your Honor will remember the opening statement, I summed the report up. And I respectfully submit—

The Court: Have you the report? Let me see it.

Mr. Ward: Your Honor, I have never seen the report, or don't know anything about it.

The Court: Let me have it.

(Witness produces report and hands to Court.)

Mr. Ward: The reason I object to it is because I have not seen it.

The Court: Who wrote out these reports?

The Witness: I wrote them in longhand, and Mr. Glasser's office made out a copy. I had the copy made in the office.

Q. You wrote that out in longhand and turned that over to Mr. Glasser in his office, and his office copied it on the typewriter?

A. Yes, sir.

Q. And did you give Mr. Glasser copies of this report?

1108 A. Whether he kept one or not I don't know.

Q. Now, he had those copies before the Judge got them?

A. Yes sir.

Q. You gave the copies to him before you submitted them to the Judge?

A. No, sir, the copy we made I took, and the copy he made—

Q. They were made in his office?

A. By his secretary?

Q. And his secretary wrote them out on the type-writer?

A. Yes, sir.

Q. And did he leave a copy with you?

A. No, sir, I don't think so.

Q. He read them?

A. I didn't see him read them.

Q. What is that?

A. If he did, I didn't see him read them, because I took them from the girl immediately.

The Court: What was the date of that report submitted to Mr. Glasser on the alleged conspiracy?

Mr. Ward: April 21st.

The Court: What year?

Mr. Ward: 1938.

The Court: 1938. How long was the Grand Jury that you served on as Foreman in session?

A. I think we were sworn in on the fifth, and on the—

Q. Fifth of what?

A. Fifth of April. And on the 22nd.

Q. Of what year?

A. 1937.

Q. And how long did you continue to serve?

1109 A. Well, off and on, I don't think we worked over eight, nine or ten days all together. The Clerk told us on the night of the 21st we had no cases that day, I don't think we did, but he told us when we came in that morning, we would be discharged tomorrow morning.

Q. Was Mr. Bailey the Special Agent called before the Grand Jury you served on?

A. I don't think so.

The Court: What time did you come here?

Mr. Bailey: I arrived here on May 8th, 1937, after this Grand Jury.

The Witness: One man was appointed Secretary in this Grand Jury room, and he made notations of every case.

The Court: Well, you wrote this out in longhand, who dictated it to you?

A. Nobody, sir.

Q. This is a picture of your own mind, is it?

A. It is taken from my Secretary's report, and read to my Grand Jury, and every man on the Grand Jury signed it, and it was turned over to Judge Wilkerson.

Q. You read this report to the other members of the Grand Jury after it had been typewritten?

A. Oh, yes.

Q. And you read it before you submitted it to Mr. Glasser?

A. I didn't submit it to Mr. Glasser. I asked him could I have his secretary write it.

Q. To his office?

A. No, my secretary and I wrote this together.

Q. That is, you submitted it to the Grand Jury before you had it written up?

1110 A. That I can't say, I don't remember that.

The Court: Did you look at this?

Mr. Ward: I have never seen this report, Your Honor.

Mr. Stewart: Are they duplicates?

The Court: They are not.

Mr. Ward: Your Honor questioned Mr. Eckstone about this report being made, and he said it was made in Mr. Glasser's office, is that what he said?

The Court: He said he and his secretary worked it out, and wrote it out in longhand, and turned it over to Glasser's office to be typewritten?

Q. Did you talk to Mr. Glasser about this report since the time you turned it over?

A. No, sir.

Q. Did you talk with anybody about it?

A. Yes, sir.

Q. Who did you talk with about it?

A. I didn't talk about it. I told him I wouldn't talk about it at all. Judge Wilkerson told me not to talk unless I was released and given permission by the Court to talk, and I was over to the United States's Attorney's Office, and I said, "I am sorry, I cannot tell you anything unless I am released by the Court."

Mr. Ward: You talked to me about it.

A. I talked to somebody in the office.

Mr. Ward: You talked to me after your name was in the newspaper, and you said you wouldn't talk to anybody unless the Judge released you, is that right?

A. Yes, sir.

Q. And I told you to wait until the time you  
1111 were called, and you can ask the Judge trying the case, that is true, isn't it?

A. Yes. The contents, I spoke to no one about the contents of the report.

The Court: What is that?

A. I spoke to no one about the contents of the report at all.

Q. The Court: Do you want to be heard on this?

Mr. Stewart: Yes, Your Honor. Of course we have further proof, in the first place this is secondary, and we have proof of a search that has been made for the original, and we have been unable to find it. We will put that proof in. And we have some further proof of a conversation between Mr. Yellowley and Mr. Glasser, which I believe will make this competent. Does your Honor care to reserve the ruling on it so long as we have established—

The Court: There, I think I will make a ruling right now. I can't see this report appears to be a criticism on the activity of the agents, where it is competent or material. The objection to its admission in evidence will be sustained.

Mr. Stewart: Well, of course may we have the record show we offered it?

The Court: You may make your offer of proof.

Mr. Stewart: Your Honor is not ruling against us on the form of our proof?

The Court: No.

Mr. Stewart: It is on the substance of the contents.

The Court: Substance of the document.

Mr. Stewart: Because we could supply the rest of the proof.

The Court: Yes, sir.

1112 Mr. Stewart: May we read this into the record?

I understand this man wants to keep his copy, or, would Your Honor direct him to loan it to the reporters; we will save a lot of time, and let the reporters copy it.

The Court: Copy it and submit it to him. Let me have it. When it is copied it may be returned to the witness. Let the record show under the offer as proof of the contents of the report, the United States, April 1937 Grand Jury—

Mr. Ward: If your Honor please—

The Court: That report is the report of that Grand Jury.

Mr. Ward: I don't think the contents ought to be read in the record, because the newspapers are very active in this case, and seem to be writing things very beautifully, and I think—

The Court: Well, I don't think it material at all. The only purpose of reading it into the record would be for the purpose of using it on Appeal.

Mr. Ward: We will supply it at that time.

The Court: The Court will retain custody of this until the proper time. They are now offered by the Defendant as proof, and objected to by the Government, and the objection of the Government sustained. Your offer of proof may be made a part of the record.

Mr. Stewart: If it is ever necessary to make a Bill of Exceptions, Your Honor will see that the offer shows what the Court shows?

The Court: Yes, sir, without a doubt. Bring in the Jury.

(Thereupon the defendants offered the following proof.)

1113 The April, 1937, Grand Jury has been engaged in an investigation which may not only lead to the prosecution and punishment of all violators, but likewise obviate the many existing abuses apparent to us in the enforcement of the Liquor Taxing Act. We, therefore, desire, in open court, to make the following report and recommendations:

We observed that the Liquor taxing Laws are being enforced through the agency of the Treasury Department, the Department of Justice only prosecuting when evidence of violation is presented to it through the instrumentality of the Treasury Department. However, either by neglect or ignorance, the agents have not taken proper precautions in obtaining evidence, with the result that the same constitutes an illegal search and seizure and is often suppressed and not available for prosecution purposes. For example, those who operate and deal in illegal liquor and alcohol on a large commercial basis are often detected, but the agents, in their anxiety to cause an arrest, do not take the proper measures to secure search warrants. These simple steps, if followed, would make the search and seizure of the premises, in most instances, legal, and



those guilty of the crime would be effectively prosecuted. While these agents have been remiss in their duty in the manner of detecting and arresting the large illegal commercial operators and dealers, they have proceeded, we believe, along other lines with respect to the small home owner who sometimes may make an isolated sale and as a general rule does not engage in illegal business upon a large commercial basis. Many undoubted violators were brought to our attention, but we have been forced not to take any action in their cases because of the absence of a search warrant made it imperative upon us to accord these violators their Constitutional rights.

1114 There have been examples, too, where agents without search warrants have ransacked and searched private homes, and this abuse is much in need of correction and which should not be tolerated. Again, agents have been informed of illegal sales of alcohol, and following investigation, have verified the credibility of the information. However, instead of proceeding in such cases to enforce the law, they always recommend that the illegal dealer pay a twenty-five dollar tax, representing that such payment will make legal the future sales by him. They neglect, however, to tell him that the liquor or alcohol is subjected to a tax and may not be sold without attaching thereto proper revenue stamps, with the result that such dealers pay the twenty-five dollars and then proceed to sell the illegal liquor, only subsequently to be arrested for making such illegal sale. The dealers apparently relied upon the representation of the agent that by paying the twenty-five dollar tax, such sales would be permissible, indicating to us that the agents are more interested in exacting the twenty-five dollar tax than arresting and prosecuting violators. This section encourages the sale of untax-paid liquor, and in many instances other agents would make arrests for the very action induced by the former agents.

We cannot help but feel that the enforcement of all laws ought to be lodged in that body of the government which, by experience and training, is better qualified to act. While we understand that it is not the power of the Grand Jury to do anything except make investigations and institute criminal proceedings when probable cause exists therefor, nevertheless we feel that Congress ought to be memorialized to remove from the jurisdiction of the

Treasure Department the enforcement of these laws and invest the Department of Justice with the inquisitorial as well as the prosecuting powers under the Act.

We desire to commend the District Attorney for the very able showing he has thus far been able to make in the face of these existing abuses, and feel that many more violators would have been prosecuted by him had the evidence been legally presentable in the courts of this district. These abuses have not been the subject of investigation by prior Grand Juries, but have likewise resulted in condemnation by the courts in some instances. The abuses must cease so that a proper respect for the law in this community may continue.

1116 We, the April, 1937, United States Grand Jury, herewith bring our report on the cases brought before us with the necessary evidence for a true bill or no bill, against the people charged with an offense against the government and the people of these United States of America.

We recommend that this report be sent to Washington to Secretary of the Treasury, Morgenthau, or Attorney General Cummings. Advising them that we find unwarranted procedure has been taken in many cases brought before us; that a true bill could, and should have been brought against certain people, but the way the various agents obtained the information presented before the April Grand Jury was so far different than the instructions given us by you, Judge Wilkerson, that we could not do otherwise than vote a "No Bill," on some cases, that were handled so badly.

We recommend that the Secretary of the Treasury Morgenthau or Attorney General Cummings start a sincere investigation of the way these cases have been handled and proper corrections be made, so in the future, no more cases will or can be thrown out for incorrect gathering of information or present it to future grand juries.

We recommend that a thorough investigation be launched to find out when, when big operators of unlicensed alcoholic beverages and manufacturers of so-called "Moonshine" or operators of stills are to be raided, the still operators have the information on these raids in plenty of time to remove all evidence necessary for conviction.

From the evidence we have received from the witnesses this was done on one case, alone, on three different occasions. Where the still, owned and operated by the same people was moved to three different farms in the same locality within three months or less.

1117 We also recommend, that an investigation from Washington be started on two cases of large stills where the investigators have watched two buildings for a period of twenty-four hours or more; on one case there were three investigators and on another case, there were four investigators. They entered the premises to make a search without a search warrant, and then, after forcible entrance, found no one on the premises.

We, the April Grand Jury, recommend that the authorities in charge investigate why only the small seller of unlicensed alcohol is always brought in, with an exception of two or three, with all the necessary evidence to have the Grand Jury bring in a true bill. We also recommend that the Federal Government Agents discontinue being solicitors of the sale of tax stamps to violators who are found selling and possessing unlicensed alcohol; that when one or more violators are found doing the above, they should be brought before the proper authorities and dealt with accordingly, and not to be sold stamps by the agents to continue to break the law of this government. Then, in from three to six weeks, two or more other agents go out to the same place knowing full well that the people who purchase these tax stamps will be selling untaxed or "moonshine" alcohol, and arrest them from the evidence brought before us by witnesses and Federal Agents, the class of people who are sold this tax, in the majority of cases, sincerely believe they have a license to sell this alcoholic beverage. To eliminate this practice and misunderstanding, we, the April Grand Jury recommend:

That when and where a tax of this kind is sold immediately the City Chief of Police, or whoever is in charge of the city law enforcement body, be advised so they can start an investigation to see whether or not they have had the complete city and state license to operate in the sale of alcoholic beverage.

1118 We called before the April Grand Jury Commissioner of Police Allman, of Chicago, Illinois, and put this suggestion before him and he advised that he would be glad at any, and all times to cooperate with the govern-

ment agents one hundred per cent and felt positive that this would eliminate a majority of these minor violations.

At the time that Commissioner of Police Allman was before the April Grand Jury, he signified his willingness to take part in a conference between the government and local officers with the view of eradicating these violations.

We, the April Grand Jury, recommend that Assistant United States Attorney Daniel D. Glasser, be ordered to call such a conference, which recommendation, we make; because we are confident that Assistant United States Attorney Glasser, is a well, or better, informed on these cases than any one in Chicago, from all evidence placed before us.

We also recommend that in the event that it is not possible to continue this April Grand Jury for the next term of court, that Assistant United States Attorney Glasser be given the full power to proceed with the investigation that we have started as we fully believe if he is unhampered he can, and will find out who is really the head, or heads, of the alcoholic ring in Chicago.

We, the April Grand Jury, recommend this procedure one hundred per cent.

We, the April Grand Jury, commend very highly the efficient manner in which two agents presented their cases, brought before us, and condemn the various agents where a no bill was brought in. We commend very highly the cooperation of the United States Attorney's office and especially the cooperation of Assistant United States Attorney Daniel D. Glaser.

1119 We were informed by the assistant district enforcement officer of this district that because of the press of business he has no time to read the reports brought him made out by his subordinates, although he initials them, giving the impression that he has approved them; that he did not have enough help with which to take care of the proper handling of this, to us, seemingly important matter. From the evidence brought before us and the information given us, by the many government agents we interviewed, with few exceptions, on the same type of cases, they varied in their understanding as to how these cases should be handled.

From the information gathered, from different agents, investigators and special investigators, we, the April Grand Jury, recommend that men of proven ability be put on the large cases of violators, and they be allowed to

complete the case and not be removed, after it has been started, and other men put in to complete the case.

We were informed by the Assistant Supervisor of Enforcement of this district that a man who, at various times in the past had done a very fine job of investigation, and made some of the largest cases made in this part of the country, this man is to be demoted by the "Said" Assistant District Supervisor; that this man is now working on very, very small cases. We would like to have the Court determine why a man of proven ability such as this should be doing the work that he is at the present time.

We, the April Grand Jury, recommend that the authorities in Washington ask for a copy from the two court reporters who took the report of most of the proceedings of the April Grand Jury; and, from these reports, which have caused us to draw these conclusions herein-mentioned at various times, start a searching investigation which we fully believe will accomplish the results the government seems to want.

1120 We, the April Grand Jury, recommend that we be left on this investigation until it is completed. We also feel that there are different factions working in the United States Departments in this district that are not cooperating in the same manner that would be beneficial to all parties concerned. We feel and recommend that this lack of cooperation be eliminated entirely, so that better results will be obtained. If the court please to see that it is advisable to keep the April Grand Jury through another term, or until they have completed this investigation and made their final report, we ask that Assistant United States Attorney Glasser, be appointed as attorney to this Grand Jury and be taken off all cases until we can report fully to you or to whom you may designate.

What the April Federal Grand Jury fully believes, but has not had sufficient evidence to verify or sufficient time in which to complete an investigation, is that we cannot in justice to all make any further recommendations without doing injustice to some.

We, the April Grand Jury, recommend that you have our report read to the next three or four United States Grand juries along with the report from them which we are sure will be of material aid in helping stamp out this defrauding the government out of moneys due them on all

untaxed alcoholic beverages and the manufacturing of said beverage.

We, the April Grand Jury, 1937, recommend that the courts test the appointed court reporters and check their efficiency; we found too many important questions and answers omitted on transcripts asked for; and, as these may be used for future references, the questions in investigations that we recommended the courts to investigate, that the foundation whereby our criticism was partly founded, was partly omitted. We feel that this  
1121 omission or omissions was caused by inefficiency, carelessness or reasons unknown to us.

Respectfully submitted,

The United States April, 1937,

Grand Jury.

Foreman

(But the Court denied said offer of proof on behalf of the said respective defendants, by their counsel, to which ruling of the Court, in so denying said offer of proof the several defendants, by their counsel, duly excepted.)

1122 (Whereupon the Jury returned to the Court Room.)

Mr. Stewart: Your Honor, in view of the fact that I promised the Jury I would prove this, in my opening statement, will your Honor inform the Jury as to the ruling, and I have there certain reports here.

The Court: For the information of the Jury, the Defendant's counsel is offering as proof a report made by the Foreman of the Grand Jury of April 1937 Grand Jury sitting in this district. The report made by that Jury to the Court, in which it criticized some of the Special Agents, Alcohol Agents for their activities, and so forth. The Court is of the opinion that is not competent evidence, and the objection to the admission of the evidence has been sustained.

Mr. Stewart: (Quietly to Court.) Would Your Honor ask or tell them also it comments on Mr. Glasser?

The Court: Oh, no.

Mr. Stewart: You can't say I didn't ask.

(Witness excused.)



DONALD N. BERCHEM, called as a witness on behalf of the defendant Roth, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Poust.*

My name is Donald N. Berchem. I reside at 534 Essex Road, Kenilworth. I am an Attorney at Law, practicing in this state for ten years, and during all that time I have been practicing here in the city of Chicago. I am a member of the firm of Ross, and Berchem. I am acquainted with the defendant, Alfred E. Roth. I have had occasion to refer matters of Federal business to Mr. Roth. It would not make any difference to me  
1123 what part of the city my client lived when I referred these matters to Mr. Roth.

(Witness excused.)

JOHN P. DIGNAN, called as a witness on behalf of the defendant Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is John P. Dignan. I live at 1325 North Waller. I was in the Marshal's office here on October 9, 1939.

Thereupon it was stipulated and agreed by counsel that the witness was a prisoner of the United States Government and that he was present there and that he was there in jail when Raubunas and Dewes, who had become witnesses in this case, were there, on October 9 in the Marshal's office.

Mr. Stewart: Did you overhear any conversation or have any conversation with those two men?

A. Well, I was there at nine-thirty, and shortly thereafter they came in, and they were about in the same spot where I was at that time. Included with them there was Mr. Thomas and another man; all I can describe him as was he was a Jewish boy. They were in difficulties I believe in connection with selling cemetery lots, and I was waiting for to be taken down to Judge Wilkerson, before Judge Wilkerson's Court for to be arraigned.

Q. And will you give us your recollection of that conversation?

A. At that time he inquired—

Mr. Stewart: Well, you call one the Lithuanian, and the other Raubunas.

A. The other gentleman—

1124 The Court: You knew this man Raubunas?

A. I didn't know anyone, I never seen him before that day.

Q. You know one of the men was Raubunas?

A. I would say so, since I heard them described in the newspaper.

Q. How many men were in that jail with you at that time?

A. It was in the Marshal's Office, five.

Mr. Stewart: Well, I think if you understand the Lithuanian was Raubunas, that would follow from that stipulation.

Q. Did he wear glasses?

A. I don't know, I have forgotten that.

Q. Refer to the one as the Lithuanian, and the other, as the other one, and we will leave it to the Jury, and tell us what did the Lithuanian say as you now remember, if anything?

A. Nothing.

The other fellow inquired what my difficulty was, and I told him, and he told me, and the other fellow told me that he had been brought back from out of town, from prison out of town, I believe brought here from Leavenworth to testify in a bootlegging investigation. And shortly thereafter I was brought to Court. I returned to the Marshal's Office about maybe ten-thirty, and he returned, and we remained there, and when I returned Mr. Thomas, and this other fellow, Jewish gentleman, had not been out to court in the morning. I asked Mr. Thomas whether this other fellow was—The other fellow was not present at that time. He didn't return from the Court, he was not. When I was returned to the Marshal's Office, he was not there, and didn't return until close to twelve o'clock. I had no conversation when he did return. He entered into a conversation with Mr.

Thomas. I heard it. I was within one foot of him.

1125 He told Mr. Thomas that he had been taken back from Leavenworth, and had been taken downstairs, or upstairs, and was told that unless he testified for the

Government in this bootlegging case, that there were three existing charges unprosecuted against him which they had threatened to go and reinstate and seek,—and they would bring out a guilty verdict upon each, and a year could be expected on each, upon each one of them, and they would see to it that he would serve those three years consecutively, rather than concurrently. That is the substance of the conversation.

*Cross-Examination by Mr. Ward.*

The man that is telling this to someone, as I understand you described, is Mr. Dewes. I did not have any pencil or paper to write it down. I would remember this consecutive business and sentence, all of that. That is right, I was in the county jail, held there and it was for being in contempt of court, by Judge Philip L. Sullivan, for misappropriating \$25,000.00. I was also under indictment at the time of this conversation, and Daniel Glasser, the defendant, represented me.

(Witness excused.)

NORTON I. KRETSKE, called as a witness in his own behalf, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Norton Kretske. I live at 1225 Newberry Avenue, Chicago. I am a lawyer. I was admitted to the Bar in June, 1929. I was born in Chicago in the place where I reside now. That is at the same place, the Ghetto district, 12th and Halstead.

1126 My father has been a lawyer for thirty-five years.

I went to public school here in Chicago, high school and De Paul University, Garfield public school and Joseph Medill High School, all within the same district. I did not while I was District Attorney walk across the street to the Great Northern Hotel and meet the defendant Kaplan and walk with him toward a restaurant and have a conversation.

Q. After you left the United States District Attorney's office did Frank Hodorowicz come to you concerning his

trouble there he was indicted, the case where he was indicted.

A. No, he didn't come to me. First he came to me to help his brother, I believe he was arrested in a still at 6944 Stony Island.

Well we discussed the case as he stated it there and I said in my opinion I didn't think there was sufficient evidence to hold the gentlemen. Well, he asked me to represent the fellow and I said, "Well, it would be kind of embarrassing for me to represent him because I had been associated with Mr. Glasser." And he asked me for my suggestion and I said, "Well a friend of mine, Mr. Roth, is a very able and competent Federal Attorney and I suggest you see him and I believe the day—

Q. And did Frank Hodorowicz come back when he was indicted in his own trouble?

A. I don't know just when he came back but he did come back and he asked me to go—in other words he wanted me to get some help from Mr. Glasser and I said, "Frank, you are known as the biggest bootlegger in this town and I know the Government has been—I used the word "laying" for you and I don't believe anybody in the world can help you. The only thing you can do is go to court and battle it out the best way you can. He did

not give me any money at that time. When his 1127 brother Pete was in trouble, Frank Hodorowicz did

not come to me and pay me eight hundred dollars, and I did not take a trip with him in an automobile up north, that is ridiculous. I never did in my life give Mr. Glasser any money or anything of value in order to influence his conduct as an assistant United States District Attorney. I never discussed anything along those lines with Mr. Glasser. Mr. Glasser and I were associated here and friendly and we never discussed anything like that. I never made Mr. Glasser any promise of anything of value or money in order to influence his conduct as an official here. I never did ride in an automobile at any time in my life in which the defendant Kaplan was in. I never was in the Commissioner's office at any time that Montana removal case mentioned here, the record is 18978, was up or heard. I did not have anything to do with it. When that case was mentioned here, I took the files, I went to the commissioners and I saw where Mr. Drymalski's name appeared as representing the Government. I know of William Brantman. He is a Tax Ac-

countant and I understand he is a fix for the Capone outfit, he represented the Capone family in all their tax troubles. I know other people he represents in that connection. I understand he represents most of the book-makers, bookie owners and cabarets. He represented Murray Humphrey in a tax hearing where Mr. Hess was the attorney. I never had any conversation with him concerning Nick Abesketis, and never knew Nick Abesketis until I saw him sitting on the stand, that is the first time I ever saw Nick Abesketis, and I don't know anything about his troubles and his business dealings. I never did receive three thousand dollars from this man Brantman that was on the stand. I never was at the hardware store of the Hodorowicz's. I never did receive any money out at that hardware store. I never was in the hardware store and the only money I ever received from any 1128 of the Hodorowicz's was in my office as a fee. I never did receive any money from the Hodorowicz's on any of this trouble that has been mentioned for any purpose other than a fee. I never received any money from any of them where a conversation was had concerning fixing their case or anything like that.

*Cross-Examination by Mr. McGreal.*

I was introduced to Mr. Brantman in this building three or four years ago. I never had any business dealings with him, I am absolutely sure of that.

Q. Did you ever hear of the Sweseler Clothing Co., a corporation?

A. The Sweseler Clothing Company, a Corporation, I hear of them, it was a client I represented. I represented that Corporation.

Q. And Brantman was the accountant for that corporation?

A. I thought you meant along these lines.

I have known Brantman three or four years. I had no business dealings with him.

Q. In connection with the affairs of the Swessler Clothing Company?

A. I recommended that he be the accountant.

Q. And what else did you do in that connection?

A. Well, Mr. Swessler needed some money and I believe I o.k.'d Mr. Swessler's check.

I don't believe I knew at the time I recommended him as an accountant that he was representing Murray Humphrey. I don't know whether I did or not know at the time he was representing the Capone's or the syndicate. I don't think I knew of any of his connections.

Q. But you did recommend him as the accountant for that corporation?

A. Well, I didn't exactly recommend him, they 1129 asked if I knew an accountant and I said then that is the only one I know.

Q. When was that?

A. Oh, I think that would be about a year and a half, about a year and a half ago.

It is not just a few months ago. I don't know of any other conversation I had with Brantman, only as an accountant with the affairs of the Swessler Clothing Company, I believe. That is all the transactions I had with him. That is about all, that is what I would say right now. I can't recall any other business transactions with him.

Q. You say that is all you can recall now?

A. Unless you can refresh me with something.

The Court: Do you know of any?

A. No, sir.

*Cross-Examination by Mr. McGreal (Continued).*

I do not know Albina Zarrattini. I heard of her in this court room. I did not know where she lived.

Q. Did you ever go to Brantman's office?

A. I visited him a few times.

I can't say just when I visited him. Well, I visited him in connection with the Swessler, that is all about, I would say. That is all. It is not true that I received three thousand dollars from Brantman in connection with the Nick Abesketis case. I never talked to him about the Nick Abesketis case. I did not know that a case was pending in this district against Nick Abesketis. I did not know any thing about the seizure of the McMurdock farm in McHenry County. I think I resigned from the District Attorney's office April 15, it was effective April 15 but I think I left April 1. I resigned I think it was effective April 15, 1937. I filed a written resignation. I 1130 worked with Daniel Glasser, associated with him.

I first met Mr. Glasser when we came to work here.



I would say he came to work here a few months after I had been here. I was just working the year.

The Court: You were in the office April 1935, 1935 to 1937?

A. No, I think October, wasn't it October 1935?

Q. October, 1935.

A. I came in October, I believe the latter part of September or October, 1935.

The Court: 1935.

A Voice: That was 1934.

The Witness: Is that 1934?

Mr. McGreal: October 1934. And did you meet Mr. Brantman while you were an Assistant District Attorney?

A. Yes, sir.

I first met him in the office here in this building, I don't recall whether in my office or not. I think Mr. Harry Gordon was here on some tax difficulty, and I know Mr. Gordon, and he introduced me to Mr. Brantman. He was associated with the Checker Cab Co., I think Vice-President. He introduced me to Brantman. That is the first time I remember meeting Brantman. He did not introduce me in connection with the affairs of Mr. Gordon. He was here, and I stopped to talk to Mr. Gordon and Mr. Gordon said, "This is Mr. Brantman". Oh, I can't recall just when I next met Mr. Brantman. Oh, he is in this building quite a bit. He represents tax people. I don't know that I used to see him quite often, but I have seen him in the building. I wouldn't want to answer that I would see him once a week. I wouldn't want to answer once a month, I don't know how often I would see him. I told you I don't know how often I would see him. I 1131 would not see him in connection with any of the cases that I was handling. I don't remember the third time I met him. I don't recall when was the first time I was in his office, that would be hard for me to say.

Q. Well, it was about the time of this \$3,000.00 deal, or before that?

A. I don't know what you are talking about, a \$3,000.00 deal.

Q. Well, you know what I am talking about.

A. You said about the time, if I don't know anything about it, I don't know what it was.

Q. What is that?

A. If I don't know, I don't know what it was about.

Q. I am referring to the time fixed by Mr. Brantman when he delivered that \$3,000.00 to you?

A. He never delivered any \$3,000.00 to me.

I have never received any money from Brantman for my own affairs or for anybody else. I never received any money personally from Brantman in connection with the affairs of the Swessler Clothing Company.

Q. Did you receive any any other way, personal or otherwise?

A. I told you the arrangement I had, I okayed a check from Mr. Schwessler, and he gave him cash, and we had to make good the check.

Q. You Okayed it?

A. I told them to give him some cash on the check, and said the man was Okay, to withhold the check for three or four days.

I gave the money to Mr. Schwessler, there were three, four or five there of the employees of the corporation, they were there and needed money. I told them to take his check for it. I believe they did take it. I remember that. I would say that was about a year and a half, I think that was the time of the formation of the corporation. That was for \$700.00, something like that.

Q. Now, when did you first meet Frank Hodorowicz?

A. Well, I opened an office October 6, 1937. If you will refresh the date on that still at 69th street, it was probably after the arrest of those boys.

Q. About January 12, 1937, when Peter Hodorowicz was arrested?

A. Well, I don't know, he was arrested, but that was at the time that still on 69th Street—

Q. That was the seizure of the still?

A. Well, I don't know if the still was—

Q. Who were the defendants?

A. I think Swede Swanson and two of the Hodorowicz brothers, I believe, I don't remember, there are so many of them, I don't recall who that was.

To my knowledge Christ Del Rocco was never arrested here in Chicago. I met him one time. I met Swanson. I believe Mike was with Frank when he came to the office. I believe Pete Hodorowicz was one of the defendants. I don't know Tony Hodorowicz. I saw him sitting up here, but I believe I may have seen him. When you say know him, I never just meet men to know them personally. I met him as a client. I knew him as a client, when he came

with his brother in reference to his case. The first time I met Frank was in connection with a still at 6949 Stony Island Avenue. I don't believe Frank was indicted at that time. I don't think any of them were indicted. They were being prosecuted in connection with that still, I believe, they had all ready been before the Commissioner. I 1133 believe when Frank first saw me the case had been before the Commissioner and had been continued, waiting for a hearing. And then Frank came to see me, at my office. I believe it would be sometime near the date of that case. I refer to the 6949 Stony Island Avenue case. I think that is the address. I don't know if that was the seizure of December 31, 1937, if you will let me see the record—I don't know that it was on this 35 gallons on December 19, 1937.

Q. Was it the sale of the 25 gallons, on December 31, 1937?

A. You are asking me something I don't know anything about.

They only came to see me in reference to this one still, 69th,—I believe 6944 Stony Island Avenue. I surely know who the defendants were in that case. I helped Mr. Roth prepare the case. I believe they were charged with having in their possession untax paid alcohol, and operating an unregistered distillery. I believe at that address. I had a conversation with Mr. Hodorowicz about that case. I did not tell them at no time that I could fix the case.

Q. Didn't you tell them that you would see the Red Head about it?

A. Everybody was referring to the Red Head, I don't know who they are talking about.

Q. Answer the question yes or no.

A. No, sir.

I did not tell him that. As a lawyer I assisted Mr. Roth in the preparation of the case after Frank Hodorowicz came over to me the first time. I did not try the case. I believe it was stricken off with leave to reinstate. To my knowledge there was no trial held in that case. I 1134 prepared it with Mr. Roth for trial. We prepared the case until the day of the trial. It was set for trial, I believe May 5. The defendants came over to Mr. Roth's office and he came over here with them. I don't know if that day was the exact day it was stricken off with leave to reinstate. I did not have any conversation with Mr. Glasser about that case at no time. I was not in the

court room with him. I did not come in the court room. At no time in connection with that case. I believe I got a fee of \$200.00 or \$250.00. Frank paid it to me. I believe I did make a record at that time when I received it. I always do keep books and records. I have not got them here.

Q. Do you make entries in your books at the time you receive your fees?

A. Oh, I don't keep an entry, a day book.

Q. That is of your cash transactions each day, and every time you receive a fee or some money in connection with your law practice you make an entry in that book, is that correct?

A. It is customarily.

I do not have these books available. There was only one book, day book. Books that the insurance companies send out, a diary book that you keep from day to day.

Q. Now when Mr. Stewart was examining you you referred to the fact that after you left Frank Hodorowicz you were of the opinion that you could represent these guys, is that what you said?

A. These guys?

Q. Yes, sir.

A. I don't use that expression.

At that time I did tell them it was a little embarrassing for me to represent them. I suggested Mr. Roth. I told

Mr. Hodorowicz that I would assist in the preparation of the case, and I didn't think it was right for me to go in and represent him, because Mr. Glasser being so friendly with me, with the work, that I didn't think it was the proper thing to do to embarrass Mr. Glasser. Naturally I took his \$250.00, I was representing him.

Q. And what did you do with the \$250.00, did you give part of it to Mr. Roth?

A. Well, as all lawyers do, we split fees.

I naturally arranged to give him part of it as soon as I spoke with him. He wouldn't represent them unless he got his money.

Q. Now, directing your attention to that Sunday morning at Frank Hodorowicz's store, who was there that morning?

A. I was not there.

Q. You were not there?

A. I just informed you I had never been to his store.

I never was to his store in my life. I am positive of that, for no purpose, personally or as a lawyer. Representing no one, I was never at his store. I don't know where he lives. I never did travel with him socially. Just when he came down and would have lunch, we would go across the street and have a sandwich and bottle of beer. I wouldn't say I had lunch every day at the 1933 Grill. Customarily I would go to the 1933 Grill. I saw Harry Dukatt there. I maybe seen him one or twice.

Q. Didn't you tell Harry Dukatt on one occasion that you were at the 1933 Grill you had to leave him to go to see Mr. Glasser?

A. Not that I recall. I may have said it.

Q. Well, did you go over and see Mr. Glasser after you left?

A. I don't ever recall telling Mr. Dukatt I was going to see Mr. Glasser.

1136 I know Harry Dukett. I have known him for a few years, three or four years. I have heard he sometimes uses the name Harry Brown. I don't believe that at the time I knew him he was a defendant in this district. Later he was the defendant in an Alcohol Tax Case.

Q. You knew it, didn't you?

A. Not at the time you are referring to.

Q. What time am I referring to?

A. When I met Harry Dukatt in the 1933 Grill I don't believe he was indicted then.

Q. You do remember meeting him in the 1933 Grill then?

A. I say I may have.

I do not remember leaving him and saying I was going over to meet Glasser. I do not know what case Dukatt was indicted in. I did not know of the still at 809 East 40th Street. I did not know of the still at Union City, Illinois. I wouldn't know anything about his business. I did not discuss those cases with Mr. Glasser. I never discussed any case with Mr. Glasser.

Q. Do you know Pete Hodorowicz?

A. Except when he came in with his brother, that is all, in my office.

They were always coming and going. I don't know when Pete came in my office with his brothers. He always had a group of fellows around him. I never discussed anything, only with Frank.

Q. And the group was Christ Del Rocco, Swede Swanson and Frank, Pete and Mike Hodorowicz?

A. Well, he referred to them as a mob, I am just using the polite term.

Q. That was his mob?

A. Yes.

1137 I wouldn't say some would come to the office, some would come at one time and some others at other times. The mob was not at my office all at one time, there wasn't room for them, there wasn't enough room for them. I did not get \$500.00 from him at one time. I did not get a promise of \$700.00 more. I only represented him in one matter, that is all I know about it. I didn't know Peter Hodorowicz was no-billed. All I know that Walter Hort has a case still pending is what I hear while sitting in this court room.

Q. Do you know that there was a seizure of a still at 120 east 118th Place, in which Pete Hodorowicz and Clem Dowiat were arrested?

A. I have heard something about 118th Street while sitting here, I don't know.

Q. That is the only time you heard of it when you heard it here, is that right? Here in Court.

A. Yes, sir.

I do not know there was a still seized, I do know whether there was a still seized or not. I only heard from reference to a still being seized there. Frank Hodorowicz did not come to my office at 7 South Dearborn St. on the night of September 22, 1938 and say that that case was coming up before the commissioner the next morning. I did not say to Frank Hodorowicz that if you get \$800.00 that I would deliver it to the Red Head that night, and the case would be thrown out in the morning. And when you speak of the Red Head, I don't know who you are referring to. I didn't hear it. I did not ride with Frank Hodorowicz in a car from 7 South Dearborn street to an apartment building on the North Side to meet Glasser. I did not at any time ride up to the North Side to see Glasser.

1138 Q. Didn't Frank Hodorowicz stop your car in front of the apartment house, and didn't you say, "I will see Glasser now"?

A. I never was in a car with Frank Hodorowicz on the North Side.

I did not tell Pete to claim ownership of the still and it



would be thrown out in the morning. I never was in a car with Frank Hodorowicz on the North side, no. No. You keep asking me again, I told you I never was in a car with him. I did not say to Frank Hodorowicz that the case would be thrown out in the morning. I did not take \$800.00 from Frank Hodorowicz that night.

Q. Wasn't the case thrown out the next morning before the Commissioner?

A. I don't know what case you are referring to.

Q. Well you knew there was a still at 120 East 118th Place?

A. I only know what I heard in this court room, Mr. McGreal.

I don't know that there was a still at 120 East 118th Place, I only heard reference up here being made to it. I don't know that the case in connection with that still was thrown out before the Commissioner on September 24. That is what they say here. I was not interested in checking the records. Naturally any lawyer would know what a Motion to Suppress evidence is, it is a motion that you allege to the court that the evidence was taken illegally and should not be used as evidence against the party it was taken against illegally. You can allege it orally or writing, put it in a Motion.

Q. And did you assist in the preparation of that Motion?

A. I don't know anything about it. I don't know who presented a Motion. I don't know anything about it.  
1139 I know Tony Horton. I didn't know him before I got into the building. I don't recall if I know Clem Dowiat or not. He might have been with Frank at that time.

Q. Was Clem Dowiat ever a defendant in any case that you represented—you were a lawyer in?

A. If he was in that 69th Street still, that is the only one I ever knew.

Q. Do you know the names of the defendants in that 69th Street still case?

A. I think one Hodorowicz, one Swanson, there may have been another Hodorowicz, I don't know, there are so many of them.

I do not know that Clem Dowiat was No-billed by the Federal Grand Jury for transporting alcohol from 120th and Ashland. I do not know John Kaminakis. I met Mr. Willie Wroblewski in Mr. Roth's office at one time. I know

Louis Kaplan. He testified he knew me since I was a little boy. That is true. I have known him since I was a little boy. I remember Louis Kaplan being on an ice-wagon when I knew him. The first time I met him he was an ice-man, that is the first I can recall of Louis Kaplan. I believe he was in the automobile business the last time I knew him. I heard he was a trafficker in alcohol. He was fined \$500.00 in Milwaukee, that is all. I have already informed you that I did not meet Kaplan in the Great Northern Hotel Lobby at any time when I was Assistant United States District Attorney. I am positive of that.

Q. Where did you have lunch when you were assistant United States District Attorney, generally speaking?

A. Well, it all depended, around pay day we would have it at the Great Northern, and other times might have it at a counter somewhere.

1140 Q. You had a habit of going to the Great Northern?

A. I don't know as it was a habit, it was customary for all of us fellows to go there for lunch.

Q. And you would just go there and have lunch downstairs, and upstairs some time?

A. Usually upstairs, it is cheaper upstairs.

There was a barber shop downstairs. I don't recall any special time for going down there. I wouldn't say I would go down there every day, occasionally. I did not meet Kaplan at 12th and Newberry a month before that.

Q. Did you meet him a month after that?

A. After what?

Q. The meeting at the Great Northern Hotel.

A. Meeting with who?

Q. Kaplan.

A. I didn't meet him there.

I never did meet Kaplan at the corner of Kedzie and Douglas.

Q. What kind of a car do you drive?

A. Right now?

Q. Yes.

A. At the present time?

Q. Then, at that time.

A. At what time?

Q. At the time you met Kaplan at Kedzie and Douglas.

A. I never met him. I heard you state Raubunas met me. You want to know what kind of car I was driving at that time? At the time Raubunas spoke of meeting me?

Q. Yes, sir.

A. A Dodge car. It was not my car. I never had a car, my brother had a car, it was a family car, we all helped to share it. It might have been in my name 1141 or my brother's name some times, it was our family car.

I might say my home at 1223 Newberry is about five or six miles from the intersection of Kedzie and Douglas. I believe Kaplan's automobile agency is located at Kedzie and Ogden. I would say it would be three-quarters of a mile, or mile, I am only quoting distance, I don't know. I heard Raubunas testify. I heard him state he saw Kaplan meet me and Glasser on three occasions at that intersection. I never did collect \$350.00 a week from Kaplan for protection on the Western Avenue still at 2524 South Western. I did not know there was a still at 2524 South Western. I believe the first time I learned that there was a still at that address was in this court room. The first time that I ever heard of it was in this court room during this trial. I believe it was in September, 1939 that I was indicted in this case. I have attended the preliminary hearings of this case, such as the hearing on the indictment and motions, and so on.

Q. And you never heard of the Western Avenue still until this case was tried, tried in this court?

A. Until this incident in this court. I don't mean this court room here, during the pendency of this case. Institution or pendency.

I met Victor Raubunas when Mr. Farber brought him to my office. I did not meet him through Kaplan. Farber's family is an old Jewish family in Chicago, and I believe I know the family, and went to school with some of the brothers. I have always admired Farber as an athlete and he was a professional ball player—I have known Farber maybe ten years. He brought Raubunas to my office.

Q. When he came to your office did he tell you he had met Horton in the Insurance Exchange Building just 1142 before he came to the office?

A. I don't recall him saying where he met him, but he said he had been making some preparation for bonds.

Horton did not communicate with me before Farber and Raubunas came in. I had a conversation with Raubunas and Farber at that time. I did not tell Raubunas

I would take care of everything for \$1200.00. I did not tell him that I would guarantee the case. I did not tell him that I would better than Tony Horton would on the case. I did not subsequently learn that Neiss, Widzes and two others were No-billed by the October, 1938 Grand Jury. I never knew that. I do not know that the Grand Jury of May, 1938 returned a No-bill for Raubunas, Kaplan and Eddie Dewes. I didn't know that. I still don't know anything about it. I don't know anything about that. I have not consulted these records that were introduced here. I don't know whether they were No-billed, Tru Billed, or anything else about it. I never did have a conversation with Glasser about the No-bill in the Western Avenue Still case. I never had a conversation with Glasser about the No-bill in the Arlington Heights case. I never had a conversation with Glasser about the Spring Grove Case.

Q. When did you first hear of the Spring Grove case?

A. I don't know which case the Spring Grove case is, maybe if you mention some defendants' names I might know, when you refer to the Spring Grove case, I don't know about it.

I do not know Joe Cole. I met Louis Pregenzer once. He came to my office after he was in trouble. He was indicted in some still. I don't know just where. I don't know if it was the Spring Grove Still. I had a conversation with him. He came to my place because he said I represented Dewes and he wanted Dewes to pay some money for him.

1143 Q. You represented Dewes in the Spring Grove case?

A. I don't know anything about the Spring Grove case. He said Dewes got him in this trouble.

I represented Dewes in the Beisner case.

Q. That was in the Arlington Heights case that you represented Dewes, now, or the Spring Grove case?

A. I believe I filed an appearance in a case, but I don't know whether it ever came to trial.

I represented Dewes. I don't know whether in the Spring Grove case or any other. I filed my appearance in the Clerk's office in connection with an indictment against Dewes. I don't know when that indictment was returned, all I know I filed an appearance. I don't know when it was returned, Mr. McGreal. I don't know when

Mr. Glasser left the office. I believe some time before the summer of last year.

Q. At the time the Dewes case was here for consideration by this court did you receive a telephone call one morning from Attorney Alfred E. Roth?

A. Well, when Dewes' case was under consideration I represented the farmer, Mr. Dewes here.

The Court: The question was did you receive that telephone call. Answer yes or no.

The Witness: No.

*Cross-Examination by Mr. McGreal (Continued).*

Roth did not call me up and tell me this man was squawking. I did not have any conversation at all on the telephone about Dewes. I did receive some money from Dewes. I would say about \$250.00. That was to represent him and help clean up his mother's property, which I did.

1144 Well, I told him that I would have to have a few hundred dollars to represent him properly, and investigate the case, and then he wanted to schedule his mother's property as surety on his bond, and we put a search in here, and there were so many objections, the husband had died, and it wasn't in the wife's name, and we had to go to the Chicago Title and Trust Company and clear it up and get a guaranty policy.

I would say I charged \$100.00 to clear the property up and the balance was for the case. I never did meet Raubunas on the corner of 12th and Halsted on a Sunday morning. I never did call him up and tell him to meet me. I don't know anything about the No-bill returned as to Raubunas in the Spring Grove case. I did not on May 15, 1938, meet Raubunas at the corner of 12th and Halsted and there receive a thousand dollars from him. I do not know Ralph Boguch. I do know Harry Weisbrod. He has known me since I was a little boy. I said he has known me since I was a little boy, Mr. McGreal.

Q. He represented Boguch before the Commissioner at that removal at Montana?

A. That is what he said this morning.

Q. Don't you remember about it?

A. I don't remember anything about it. I remember him stating it this morning, is that what you mean?

Q. Do you know whether or not he did represent Boguch at that removal?

A. I don't know anything about any removal.

I never met Boguch. I do not know Kwiatkowski. 1062 Polk Street I would say is about a mile or three-quarter from my home at 1225 Newberry. I know where Polk Street is and I know where 1000 West is. 1000 West would be Morgan or Miller, that is what that is called out in that neighborhood.

1145 I don't know what kind of store there is at 1062

Polk street. I was never there. Paul Svec was here in court. I didn't know him. I never represented Paul Svec at any time. I don't know him. I know Sheenie Yarrío. He is a fellow in the neighborhood. I don't know him, I know who he is. I have known that fifteen or twenty years. I know of Sheenie Yarrío for fifteen or twenty years. I might have met him in the playground around the neighborhood around 1225 Newberry. I wouldn't know how old he is, I could give you my idea. I would say thirty-six or thirty-seven years old. He is short, nice featured. I would say kind of chunky. I wouldn't say well-dressed fellow. I wouldn't say I met him the first time in the playground, I would say in the neighborhood. I am known by the name of Norty, just the same as Anthony Horton is known as Tony. Many of these people call me Norty. Paul Svec calls me Norty. I don't know anybody I know don't call me Norty.

Q. Paul Svec knew you very well?

A. I don't know; everybody calls me Norty. I don't know, I might be that kind of fellow, easy going; they called me Norty, I don't know.

I do not know when Paul Svec was arrested. I did not know Paul Svec was one of Yarrío's fellows. I did not know he worked for Yarrío. I didn't know what business Mr. Yarrío is in. I know he had a saloon on Jackson and Wells. I was an assistant Attorney in June of 1935. I remember a case of the United States *vs.* Workman and 32 others. I do not remember a man in that case by the name of H. L. Welsh, alias Yarrío. I never did see Yarrío in this building at any time. I did not know he was a defendant in that case. I do not know what disposition was made of that case. I had nothing to do with that case.

1146 I had nothing to do with it at any time. I was in the civil department here. I had nothing to do with



any alcohol cases. I wouldn't know that that was a seizure of a still at 932 Cullerton Avenue. I wouldn't know it now. There have been 50,000 gallons of alcohol. I don't know. I wouldn't know that. And I wouldn't know if Yarrio was a defendant. That I knew Yarrio from the playground out in the neighborhood does not mean that he was a friend of mine. Never seen him about it. I wouldn't know he was a defendant in that case. I told you I don't know anything about that case. I don't know anything about the case, I was in the civil department here, and I don't know anything about any alcohol cases. I remember a man named Workman testifying here. I remember his testimony. I remember Workman testified in this case. I recall him saying he saw me around the Commissioner's, but I recall him saying Mr. Glasser was before the Commissioner, and I happen to know Mr. Tappy was the Assistant before the United States Commissioner in that Workman case. I don't know, in case 902 ..., I saw the file here, and it stated Mr. Tappy was prosecutor. I don't know that that was only three or four years. I remember Workman said I was assisting Mr. Glasser at the Commissioners'. I don't know that Sheenie Albert was a defendant in that case later on, you just told me he was. I have never examined the records. I had no interest in it.

I do not remember the 9th day of December 1938, that particular morning that Paul Svec was arrested. I don't remember the night before—if you tell me what you want me to answer—

Q. Did you ever hear the name Paul Svec before?

A. Is that the fellow who called me at my home from the alcohol tax unit, is that what you are trying to say?

Q. You don't remember Svec is that right?

1147 A. I don't think you are being fair.

Q. Do you remember Paul Svec?

A. What do you mean, the name?

Q. Do you remember the name I mentioned, Paul Svec?

A. I recall him testifying if that is what you mean, would that be what you mean?

Q. Yes. He testified, he testified in December, 1938, he was arrested and taken out on bond.

A. I don't know if that was the date or not.

I did not ride in a Lincoln Zephyr with Tony Horton to 1062 Polk Street after he was taken out on bond. I

never was to 1062 Polk Street that day or any other. I did not at any time in company with Tony Horton and Paul Svec go to 1062 Polk Street. I never went there at any time. I know Garardi. He was a fellow from the neighborhood. I know his brothers very well. He is from the neighborhood too. I have known him over ten years. I closed a deal for his wife for the purpose of her health. That is the only business transaction I ever had with him. I understand he is in the wholesale grocery business. I don't know what he sells. I do not know Tishman.

Q. And this Gerardi is in the sugar business?

A. If that is part of the wholesale grocery business it means he sells—

Q. Norty, that is what it means.

A. I will call you Frank if you call me Norty. I never met you before I came here to court.

I do know Gerardi.

Q. And you have known him since you were a boy, is that correct?

A. I would say I am still a boy, some people still consider me as a boy.

1148 I met him every day, probably see him around.

I never met him at 1062 Polk Street.

I don't know when I first met Mr. Roth. I didn't know until the office here, I have known him as being a lawyer, but never discussed anything with him. It would be hard for me to say when I first met him. I might have met him in the office here or later. But I never had any discussion or dealings with him until I left the office. I referred a few cases to him as a lawyer, maybe five. I referred the Hodorowicz case. That was a still at 69th and Stony Island. We had two libel cases I believe where the Government took a truckload of sugar. I think Siegel was one name of the claimants in those libel cases. I don't remember the first name. I referred the Netko-Buchanek and Herman David case. They were all in one case. I can't recall off hand what other cases. We had some civil cases together we worked on. No others. That is all the cases I can remember that I referred to him. Most of the cases were in connection with alcohol violations, primarily so, that is particularly why I referred them. Either criminal cases or libel cases that grew out of the violations. I do not know the Wroblewskis. I told you I had met Willie in Mr. Roth's office. I do not know

John, Senior; I do not know John, Junior, Wroblewski. I did take a trip to Indiana with Mr. Roth. I think it was in July, 1939 I went there. I remember going there over the Holiday and I was awfully tired, it was on a Monday and Mr. Roth asked me to drive along and I wanted to stop in Plymouth to see John Kitch, an attorney. I went to Indiana with him. When I went with Mr. Roth it was to Fort Wayne. When we got to Fort Wayne we went to the Federal Building in Fort Wayne. Mr. Roth and myself. We met Mr. Alexander Campbell, the man who testified here.

1149 Q. Now did you at any time see the Wroblewski boys in Indiana?

A. Well, Mr. Roth surrendered Willie in Hammond and I drove along with Mr. Roth, he picked him up at his home and took him to the Marshal's at Hammond.

I did not at that time have any conversation with either of the Wroblewskis in Indiana. I never did at any time tell one of the Wroblewski boys to keep quiet. I had nothing to do with the Wroblewskis.

The Court: When were you admitted to practice?

A. 1929.

Q. And what was your experience or practice you had engaged in prior to the time you went into the District Attorney's office?

A. I took care of the civil business of my father's.

Q. And while you were in the District Attorney's office how many cases involving alcohol tax cases did you participate in?

A. I never tried any alcohol tax cases.

Q. Never tried any?

A. No, sir. I assisted in the preparation for Commissioner's hearings and I had charge of condemnation business, office work and other civil work.

Q. Would you say there was anything difficult about the defending of an ordinary alcohol tax case?

A. I prefer to do the civil work.

Q. Would you think it was difficult?

A. Oh, I believe some lawyers are more capable of handling them than others in defending this type of cases—

The Court: That is true of anything. In the average case there is nothing difficult about the trial of any of those cases?

A. I think there is.

Q. What is that?

A. In my opinion there is.

Mr. McGreal: Q. How long did you say you knew Mr. Horton?

A. Well, I met him when I came to work here, maybe a month after or so.

1150 Q. He was a bondsman in this building and that is how you happened to meet him?

A. No, I happened to make his acquaintance because I was in charge of the bond department and he happened to come in and was scheduling his property maybe every day.

Q. And he was a bondsman you happened to meet?

A. I explained—he would come with his property and in order to get his property approved I would have to o.k. it and I discussed it with his people and himself.

Q. I say the bondsman would come in every day, there is nothing contrary to that in your statement?

A. I would say he would come into the bond office at any time he had business in there.

I told you Kaplan's garage is at Kedzie and Ogden. I have been in there a few times, three or four times, I would say within the last year or two. I was never in there before that. I have known Kaplan fifteen or twenty years. I don't know how long he has had that garage. I would see him all over in the neighborhood in those fifteen or twenty years. No other place. I did have some business over at his garage, I wanted to trade a car in. I did not trade in the car.

Q. Would you see Louis Kaplan there?

A. His brother-in-law is mostly in charge.

I never saw Mr. Raubunas there. The only time I saw Mr. Raubunas was when he came to my office. I never saw Eddie Dewes there. I never saw Stanley Slesur there. I know Stanley Slesur. He came to my office. Oh; maybe last spring, he tried to get a mortgage on his home which was in his wife's name. That was the only time he ever came to my office. I do not know what was Stanley Slesur's business. I know he was convicted of alcohol, but I don't know whether that is his business or not. I don't know if Stanley Wasielewski was with him when he came to my office, he says he was. I don't know, if he was or not. I remember Stanley being there, Mr. Slesur, but I don't recall if he was with him or not, they

always came with somebody and they waited outside.  
1151 I tried to get a mortgage on Stanley Slesur's home, but he couldn't get anybody to show where they were making a salary to make a F. H. A. loan.

Q. Where was the keep located?

A. I believe in Willow Springs.

I saw the file in the matter. I did not receive any compensation from Slesur in that deal. No, I don't remember now whether Wasielewski was with him. I do not know whether he was a defendant in a case pending in this District. I don't know anything about Stanley Wasielewski. Mr. Slesur said he was in my office, I don't know, I didn't see him. I remember him saying he was sitting outside I had a two-room suite there with waiting room out in front. Slesur went into my office. Well I can't say how long he did stay there, we discussed the building and I asked him to get some pictures, to bring some pictures back because I believe that is the rule before you can get a mortgage you have to have pictures of the property. I don't think it was important to the application of the loan, I think it was a requirement. I had a conversation there with Slesur. It lasted maybe half an hour. I don't recall if I did or not arise from my desk when he left. I don't recall if I did or not walk to the door with him. I do not remember seeing anybody sitting in the waiting room there. I only know Stanley Wasielewski from when I saw him in this court room. I did not know him before I saw him in the Court Room. I never saw him before.

That is correct I stated I knew Stanley Slesur. He had been to my office. No, I am not sure whether Wasielewski was with me on that occasion.

Q. Now, will you tell us the details about that mortgage on Slesur's home?

A. Without the record, I will give you the best of my recollection.

Q. All right.

A. I believe the home was in the wife's maiden name. He either wanted to sell or get a mortgage. I tried various places and was not successful.

1152 I tried to get a mortgage on the home, and tried to sell it, too. I had no other business dealings with Stanley Slesur. I said I first met him when he came to my office. The first time he ever came to my office. Oh,

I can't recall when that was. It was some time last year, I don't remember. It may have been 1938, I don't recall. I think it was some time last spring, some time in the spring. I think it was last spring. Some time in the spring. It may have been a year before. Edward Dewes came to my office after I represented him. The first time I ever saw him was when Farber brought him. The first time Dewes came to my office when Farber brought him. It was in the preparation of getting the other parties out on bond, on the Biesner farm case. I originally represented Dewes in the Biesner farm case and referred the matter to Mr. Roth and represented Biesner. Biesner was the farmer. I believe I filed an appearance for him. I do not recall when. I filed an appearance for Dewes in another matter. Oh, I don't recall what case that was. Another alcohol violation. I don't think that case ever came to trial—just that Biesner case. I believe it was consolidated or merged, consolidated or merged or sentenced in one, ran into the sentence in the other case.

I did have a conversation with Dewes in the preparation of the trial in this case at my office. I did not occasionally have a conversation out in the hall near the office. I did not ever tell Dewes that Stanley Slesur was brought back from jail, "We will all go to jail". I did not make that statement to Dewes. I did not tell him I was afraid to talk in the office, that I was afraid there was a dictaphone in there.

Q. Did you ever tell Dewes you resigned under pressure, and for that reason were unable to get a conviction put through in the Federal Building.

A. No sir.

1153 I can't recall how many conferences I had with Dewes, four or five. I believe the defendants in the case where I represented him were the farmer, Dewes, Raubunas, Widzes, by the farmer I mean Beisner, Farber, and Duthorn. I did not represent Dewes in the Spring Grove case, I don't believe that case ever came to trial. I may have appeared in court in the Spring Grove case. I don't recall.

Q. Did you file an appearance in that case?

A. I am pretty certain.

Q. What?

A. I don't know whether it was the Spring Grove case, but it was with the second case he had.



Q. Have you represented him in a case you would know where the still was located?

A. You are referring to Spring Grove? They say "a town" and mentioned a farm.

The case where Kaplan, Pregoner, Rankin and Dewes were defendants never came to trial. I believe I did file an appearance in that case. I don't recall when. I did not receive a fee from Dewes for that. He asked me to file an appearance. I believe Mr. Roth represented Kaplan for a while in that case and Kaplan had him withdraw and retained another counsel. I never did have a conversation with Dewes where I told him that for a certain amount of money I would get him "No-Billed" in the Spring Grove case. I do not know that Dewes was "No-Billed." I do know of Fred Blumental. I don't know an agent of the alcohol tax unit by the name of Goddard, I saw him in court here.

Q. Did you ever see him before?

A. I see him in the building.

I do not recall that I ever handled any case with Mr. Goddard when I was in the building as assistant United States Attorney.

Q. Did you ever handle any case as defense counsel after you left this building, in which Mr. Goddard might have appeared for the Government?

1154 A. I just handled the Beisner case. I don't recall him being in that case.

I do not recall meeting Mr. Goddard in the front office of the District Attorney's office on the eighth floor one Saturday morning about five minutes of twelve. I do not recall meeting him on the following Monday about five minutes of twelve. I did not say to Mr. Goddard at that time "We know all about you. We don't arrest fellows for that."

Q. You know Joppek?

A. I just heard his name mentioned.

Q. Do you remember the incident now?

A. Yes.

Q. Joppek was the prisoner?

A. I don't know.

Q. Well, you remember Joppek?

A. I remember that name being mentioned here, I don't know anything about the man.

I do not remember meeting him at the time. I do not

remember meeting Mr. Goddard. I did not say that. I did attend a conference with the other counsel in connection with the preparation for trial for the Beisner case. I saw Mr. Adams in court. I know George Cohen. I do not know Abraham Cohen. I just know George through a conference. I know Mr. H. L. Passman. I know Peter Passman. H. L. Passman and Peter Passman were office associates of mine. I remember the Herman David, Sheany Albert, in the Yarrion case. I know Horton. I know he made a bond in that case. I do not know the amount of the bond was originally, but I understood there was bond forfeited and they called me when the forfeiture was there. He said as long as I represented the fellows, I ought to prepare a petition to suppress and set the forfeiture aside, I did. I got Mr. Passman to come to this building. I believe I did notarize the petition to vacate the forfeiture.

1155 I received my fees in that case from the man who sent the case to me. That was Frank Romaro. He was not a defendant in the case. I received \$300. I did not receive any fee from Horton nor from anybody else. I never had any discussion with Dewes about a No-Bill. I never talked about a No-Bill. I do not know that he was No-Billed. I had no interest in investigating that.

Q. You represented him, didn't you?

A. Yes sir.

Q. In the Spring Grove case?

A. If that was the case you are referring to. You just referred to the file.

Q. What file?

A. The one in your hand.

Q. You mean this?

A. You are reading it off.

Q. Did you have any files in the Spring Grove case?

A. I told you I didn't know anything about the Spring Grove case.

The Court: I wish you would identify for this witness, the location of the Spring Grove case.

Mr. McGreal: Q. Directing your attention to the seizure of a still in a town, three miles from Spring Grove, Illinois, in which Dewes, Raubunas, Kaplan, Cole, Pregonzer, Rankin and Boguch were indicted.

A. What is the name of the town?

Q. Spring Grove near Fox Lake.

A. Did I represent them in the case?

The Court: Did you represent any of these defendants?

A. I represented Dewes in the case. I believe he told me it was Fox Lake.

Mr. McGreal: Q. To refresh your memory, one of the witnesses testified that Fox Lake was near Spring Grove.

A. I think he told me Fox Lake. I don't recall whether he did or not.

1156 Dewes never told me he was No-Billed in the Fox Lake case. I believe I did examine the indictment in that case. I believe it charged the customary internal revenue violations, unregistered still. Untaxpaid alcohol, the customary Internal Revenue indictment. All violations carry certain provisions which are always incorporated in every indictment. I don't know anything about the Western Avenue still. I know of Fred Blumenthal. I have seen him.

Q. I will show you a document, marked for identification as Government's Exhibit 135. Is that the Fred Blumenthal you know?

A. From the picture, I would say it was. Can I read it?

From the picture, it closely resembles the man I knew. I do not know any brother of his. I was not with Fred Blumenthal in the lobby of the Sherman Hotel on an occasion about three years ago, I was never in the Sherman Hotel with Mr. Blumenthal.

Q. Have you ever been any place with him?

A. Well, that is hard to say. I may have met him on the street but I never had a social visit or call.

I do not know that Fred Blumenthal was mentioned as a defendant in the case, *United States vs. Workman*, No. 20972. I never saw the case report in that case. I did mention this morning that I knew a man by the name of Yarrio. From the picture marked for identification as Government's Exhibit 188 it resembles the same Yarrio I know. That is the same man I met as a boy in the general neighborhood of Maxwell and Newberry Street. I never saw him with Girardi. (Witness excused.)

DANIEL ANDERSON, was called as a witness on behalf of the defendant Glasser having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Callaghan.*

My name is Daniel Anderson. I live at 5333 Cornell Avenue Chicago, I am an attorney at law. I have been so engaged over twenty-five years. At one time I was 1157 an assistant United States Attorney, for the period going on ten years, beginning 1924. I know the defendant, Daniel D. Glasser. In my business as a lawyer I did represent a man by the name of Victor Raubunas. Well, Raubunas came to me, I would say, the very first part of November, 1938 and I personally represented him until I became so disabled that I could not come down any more. That was in May, 1939.

Q. Since May, 1939, you have been suffering from a physical disability which prevented you from attending court?

A. It is arthritis. It came on two years last November. I was confined to bed and this is the second time I have been up and had my clothes on.

I did represent Mr. Raubunas in the case entitled United States vs. Raubunas, Dewes, *et al.* It was pending before Judge Wilkerson. During the time that case was pending and was on the call before Judge Wilkerson various times for trial I had occasion to appear before Judge Wilkerson, several times last winter. I think that every time I came here I moved Judge Wilkerson for a continuance. I thought I would be getting better and I wanted to try the case, unless we could dispose of it some other way, by a plea of guilty or something.

Q. And prior to the time that case would be called in court before Judge Wilkerson on each occasion, did you have a talk with the defendant, Daniel Glasser, about the trial of the case?

A. Yes I did. I wouldn't say every time. You mean before I came into court?

Mr. Callaghan: Yes, sir.

A. Yes, except on occasions when he was not in. I came to the office from across the street where my office was, and I always showed him the courtesy of coming in two or three days before the case was called for trial,

and would tell him I was going to ask for a continuance and wanted him to know it, as he did not have to get his witnesses down. As far as I knew, he always had his witnesses down, but on two or three occasions I did not see him and I talked to Miss McGarry. That is his secretary, and would leave the message with her and would call up later in the day on the telephone.

Q. You know that case was continued a great many times on your motion because of your illness?

A. That depends on what you mean by a great many times. It was continued several times, but there were about two or three times, I would say twice, that it happened Mr. Glasser was busy in a trial of a case he had on trial. I know that happened. I am sure that happened twice; or otherwise, Judge Wilkerson was busy in the trial of a case.

Two or three times, the motion did not have to be made by me. There were several times, I would say at least three times, when the motion was not necessarily made by me, because either Judge Wilkerson was in the trial of a case, and on one occasion Mr. Glasser was ill. I remember that, and on one or two occasions, he was engaged in the trial of a case. That may have been the same case Judge Wilkerson was in at that time, but, of course, I don't know.

Q. During the time you represented Victor Raubunas did you ever discuss with Victor Raubunas, disposition of his case other than on the merits?

A. Well, I told him almost from the beginning that in my opinion,—after I talked to Mr. Glasser, after he came after Raubunas came to me, I talked to Mr. Glasser, and Mr. Glasser told me—

The Court: The question was, whether you ever discussed with Victor Raubunas the disposition of his case other than on the merits.

A. Yes, after I talked to Mr. Glasser, I told Raubunas I believed he would have to plead guilty. I did. I told Raubunas I believed he would have to plead guilty, that he would get the best break by pleading guilty.

Mr. Callaghan: Q. Did Raubunas say anything to you about any effort he was making to have anything done with his case in addition to having it disposed of on the merits?

1159 A. A plea of guilty would be on the merits. Is that what you mean?

Q. Yes, sir.

A. I would consider that on the merits, although there would be no trial before a judge or jury, if that is what you mean.

Q. Well, did Raubunas ever talk to you about fixing his case?

A. Not to me, about me fixing his case, no.

Q. I understand. Did he ever talk to you about any effort to have his case fixed?

A. Here is what he told me when he came to me. He told me—I don't know if it was this case or if he was in the distilling business—Raubunas was indicted in connection with a still, although at first he would not admit he was in the case. He tried to tell me he was not in that still. He told me right after he came to me, that he had been double-crossed by his partner.

He did not say at that time who his partner was. I either got it from him later or it was hearsay. At that time he said he was double crossed by his partner taking his money and not using it the way he was supposed to, but kept the money himself.

He told me that in the beginning, but after I became ill. I was in bed from May 2nd on. He came in during June, May, June and July, until the case was disposed of. It may have been July or August. He was out at my home several times. He usually would come and ask about a real estate deal. He was selling his home. I told him he should go to my office, but he would come and talk about the real estate deal and why it was being delayed.

He had only paid one-half of the retainer and nothing in connection with the trial of the case. He said he could not pay and was always stalling on account of not being able to sell the property, which he finally did.

1160 Then he talked about fixing the case. I told him,

"If you try anything like that, you are going to get the works, because" I said, "Mr. Ward will not stand for it and nobody will. That is the worst thing you can do." Long afterwards I heard from my associate that there was something said down here to Raubunas about having somebody,—or somebody calling Mr. Ward. When he came up the next time, I asked him if he had done that and he said no, he had nothing to do with it, but a Lithuanian friend of his had done it without him knowing it.

I said, "You can just consider yourself as getting the



extreme penalty for that. Mr. Ward has got to protect himself, and if you have done that Mr. Ward is going to charge the court to give you the severest penalty the court can give you." "He may tell Judge Wilkerson about it, and if he does, there is no chance for leniency."

Another time he came up, he was worried about that. He says, "Would it be all right if I would go and see Bishop Sheil?" I said, "I don't think Bishop Sheil would do anything for you." He said he knew Bishop Sheil quite well and his daughter knew him very well, because she sang in some choir. He said he was sure Bishop Sheil would do it. "Well," I said, "of course, that is a different situation. To go and talk to Bishop Sheil, then you are not using money, you are just using your friendship. I don't believe Bishop Sheil will help you, but if he does, it is all right with me, as I can do nothing for you. You are in hot water now. If you can straighten it out with the United States Attorney, it will do you some good, but otherwise, you are going to get the works, in my opinion. Bishop Sheil sponsored Mr. Campbell, and if Bishop Sheil will do it, he might do something for you, but I don't think he will."

Another time, I asked, or he told me he had been to see Bishop Sheil and Bishop Sheil did just what I thought he would, would not listen to him.

1161 Mr. Callaghan: Q. Did he—did you ever have any discussion with Victor Raubunas about fixing Mr. Glasser? Did he ever say anything to you about it?

A. He never said anything like that. As long as I was well and was handling his case, he never talked about fixing the case or trying to fix the case with anyone as long as I was handling the case; but it seemed he got panic stricken after I could not come down any more. I told him I could not take care of the case and I wanted him to plead guilty and throw himself on the mercy of the Court. He did not want to do that.

I did represent a defendant by the name of Stanley Slesur, he brought in Victor Raubunas.

Q. Now was that case continued in much the same fashion as Raubunas, because of your disability?

A. And a few more times. There were three cases against Stanley Slesur. They came up at different times, but were set so that all three would come up together and would be continued the same way.

I might say I had Stanley Slesur plead guilty to an

indictment in April, or early part of March,—I had him plead guilty to all three indictments. I advised him to, and he pleaded guilty before Judge Wilkerson. At that time I did not even get to see Mr. Glasser. It was at noon time and Mr. Glasser was not in. I came in with Slesur without any prosecuting attorney here at all, and he pleaded guilty to all three indictments. Mr. O'Sullivan acted as clerk.

*Cross-Examination by Mr. Ward.*

Q. Mr. Anderson, when did you become so ill that you were confined to your home? Do you recall that date?

Was it in May?

1162 A. Well, I did not think I was so much worse, but I went to a new doctor by the name of Murphy, and he told me I had to go to bed. That was May 2nd.

Q. You had some young man represent you, did you?

A. Mr. Ottenhoff. I don't know that I was any more ill on May 2nd than I was before.

The doctor told me to stay home and I got so bad, I could not move. That was May 2nd and I was confined to my home until now. Slesur had some other cases in another district, in Indiana. That is right. I wanted to clear them all up. That is right that I came in court with Slesur. It probably was on March 31, 1939.

Q. Your young man was here with me when we disposed of these cases. You don't know about that?

A. When they were disposed of, yes.

That is right, you were in touch with me on the telephone. A plea of guilty was entered on that day. I talked to you on the telephone.

*Redirect Examination by Mr. Callaghan.*

Q. The sentence was not entered until June 30th, 1939, was it?

A. Are you talking about Slesur?

Q. Yes.

A. It was some time like that.

(Witness excused.)

RALPH SNYDER, was called as a witness on behalf of the defendant Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Callaghan.*

My name is Ralph Snyder. I reside on Asbury Avenue, Winnetka. I am a lawyer. I specialize in the patent 1163 field. I know the defendant in this case, Daniel

Glasser. I have known him for at least fifteen years, probably a little longer. We do have mutual friends and acquaintances. We have been in the Aviation Post of the American Legion, and during that time, our meetings—

The Court: The question is as to his reputation, his honesty and veracity.

The Witness: A. Yes, sir.

Mr. Callaghan: I want to show the association, and what he bases his opinion on.

The Court: Direct the question to him and find out whether he knows.

I know the general reputation of Daniel Glasser prior to September 29 for honesty and integrity and the law abiding system. It was good.

*Cross-Examination by Mr. Ward.*

I do want to state that I met Mr. Glasser in connection with some legion Post.

Q. All right. Did you?

A. I was just saying I suppose we had luncheon together—

Q. Did you, please—did you meet him in reference to some Legion Post?

A. Yes, sir.

The Aviation Post. He held some office in that Post.

*Redirect Examination by Mr. Callaghan.*

He held a position of commander, the highest office in the Post.

*Recross Examination by Mr. Ward.*

Q. That is the highest office in any Post, isn't it, any Legion Post?

1164 A. I have only belonged to one, but I assume so.

Q. You know so, don't you.

A. No, sir.

The Court: You should know so.

Mr.-Ward: That is all.

The Court: That is the highest office, is it not?

The Witness: A. Post-Commanders, it is, if they have served as commander in the Post. Both Mr. Glasser and I have occupied that position, but whether other positions are any higher ones, I don't know.

(Witness excused.)

ROBERT G. DENK, was called as a witness on behalf of the defendant, Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Callaghan.*

My name is Robert G. Denk. My business is National Bond Investment Company. I reside at 169 North Le-Claire.

Q. You say National Bond Investment Co., in 1936, at that time it was connected with General Motors Corporation?

A. General Motors Acceptance Corporation.

I did, at that time, have some negotiations with Mr. Glasser with reference to a Buick automobile. I know Mr. Daniel Glasser. Mr. Glasser did, at that time, buy an automobile, a '36, I think, 61 Buick Sedan, from the Buick Motor Car Co. I think 2100 Calumet Ave., in Chicago.

Q. Did a man by the name of Yarrío have anything to do with that?

A. I never heard of Yarrío.

1165 *Cross-Examination by Mr. Ward.*

That was in 1936. It was a Buick car. That is all I know about it.

(Witness excused.)

FRANCES BORNHORST, was called as a witness on behalf of the defendant, Roth, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Poust.*

My name is Frances Bornhorst. I live here in Chicago. I am a stenographer. Back in the year 1938 and '39, I was employed by Mr. Roth, in his office, doing stenographic work.

Q. Calling your attention to the month of May, and the date, May 2nd, 1938, do you recall him preparing for trial in the case of Hodorowicz, Swanson and Dowiat?

A. I could not say for sure. I don't exactly remember the names of these defendants.

Thereupon defendant Roth's exhibits Nos. 182, 183, 184 and 185 were so marked.

I did, on the second day of May, 1938, prepare these three exhibits, Nos. Defendants' Exhibits 182, statement of Clem Dowiat, 183, statement of Swanson, on May 2nd, and No. 184, Anthony Hodorowicz. I did write them on my typewriter on that date. I did write them from the stenographic notes I took on that date in this notebook, which is marked Defendant's Exhibit 185.

The Court: May I see the exhibits, please?

Mr. Poust: Q. Are the typewritten statements true and correct copies of the notes you took on May 2nd, 1938, at Mr. Roth's office?

A. They are, to the best of my ability.

Q. Was it the custom of Mr. Roth while you were 1166 employed there, that when defendants came in and they prepared for trial, he dictated these statements while the defendants or witnesses were there, or immediately after they left the office?

A. He always did.

Mr. Poust: We now offer the four exhibits in evidence. She said she took the notes on the 2nd of May, 1938.

The Witness: I can read some of these, if you would like me to.

The Court: A statement of Elmer Swanson and one of Anthony Hodorowicz?

Mr. Poust: And one of Clem Dowiat.

The Court: Do you know what you are reading from?

The Witness: A. I mark my books, this is marked from April 30th, to May, so that it was during that time.

The Court: Go ahead and read it.

A. Statement of Anthony Hodorowicz, May 2nd, 1938. Anthony Hodorowicz will testify he is twenty-seven years of age, married, has one child; and he is tinsmith by trade for the past eleven years and is now employed and has been employed for the past nine months prior thereto, was employed by the state of Illinois—

The Court: That is sufficient.

(Thereupon Defendant Roth's Exhibits, No. 182, being a statement of Clem Dowiat, dated May 2nd, 1938; No. 183, being a statement of Elmer Swanson, dated May 2nd, 1938; No. 184, a statement of Anthony Hodorowicz, dated May 2nd, 1938, and No. 185 being a stenographic notebook, were offered and received in evidence and made a part of the record herein.)

Mr. Poust: Any cross-examination.

The Court: What system do you use, Gregg?

The Witness: A. Gregg, yes, sir.

The Court: By whom are you employed now?

A. John F. Ryan.

Mr. Ward: Your Honor, seeing no erasures, we will not make any objection. It is very neat work.

Mr. Poust: She is a good stencographer.

The Court: If she can read back her notes after 1167 a couple of years, she is very good, I will say. They may be admitted.

(Whereupon said documents, so offered and received in evidence, marked respectively DEFENDANTS' EXHIBITS 182, 183, 184 and 185, are hereby made a part of the record herein.)

(Witness excused.)

VICTOR E. LA RUE, was called as a witness on behalf of the defendants Kretske and Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Callaghan.*

My name is Victor E. LaRue. I live at 9716 South Winchester Ave., Chicago. I have been practising law since 1922. At one time I held a position of honor and trust in this building for seven and one-half years. The



position was Assistant United States Attorney to George Q. Johnson of Chicago. I know the defendant, Norton Kretske, for approximately seven years. I know his general reputation as to honesty and integrity and a law-abiding citizen, prior to September 29, 1939. It was excellent.

The Court: With whom have you discussed it?

The Witness: A. Your Honor, I am in this building almost daily, and have been since 1932, when I left the District Attorney's office. I think I have discussed repeatedly, not only Mr. Kretske, but every member in the office, either with the members or with other attorneys in the office.

Q. Who was the last one you discussed it with?

A. I think the last one I discussed it with was my former associate, Captain Waugh.

1168

*Cross-Examination by Mr. Ward.*

I discussed his reputation with Captain Waugh at various times. The last time I would say yesterday, in his office, which adjoins mine, at 208 So. LaSalle St.

Q. Did you talk about him being under indictment?

A. Yes, we talked about the situation generally.

I did not say how long he was under indictment. I did not know I was going to be a witness today. I just walked in the courtroom now. I had talked, generally, with Mr. Kretske and Mr. Glasser as to whether I would testify to their good character, if I were asked to. I do handle criminal cases.

Q. When did you handle one last?

A. It has not been so recently.

Q. It has been quite a while, hasn't it?

A. I think the last case I defended here was a narcotic case.

It is not true that I am a civil lawyer and do work with Receiverships. My work is not mostly civil. Now, it is principally civil. Most of my work now is sometimes being appointed as receiver.

In the past few years, I have only handled an occasional criminal case.

*Redirect Examination by Mr. Callaghan.*

I have known Daniel G. Glasser only since he worked in the building here, some time in 1935 or thereabouts. I left here in 1932.

Q. Do you know the general reputation of Daniel Glasser for honesty, integrity and a law abiding citizen?

A. I don't think I am qualified to testify as to his reputation. I have talked with quite a few other people about it, and I know what other lawyers say about him.

Q. What is that?

1169 A. He is honest and has been a good prosecutor in this court.

*Recross Examination by Mr. Ward.*

I have discussed all the boys in the office. I did not overlook Mr. Glasser.

Q. You did not know anything about him?

A. Only in the building.

I have never handled any liquor cases with Mr. Glasser. (Witness excused.)

ALFRED E. ROTH, one of the defendants herein, a witness in his own behalf, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Poust.*

My name is Alfred E. Roth. I reside at 5528 N. Kenmore Ave., Chicago, Ill. I have resided in Chicago all my life. I am forty-five years old, and married. I was born in Chicago and have lived here all my life. I attended Grade school here in Chicago, Joseph Medill High, Metropolitan Business and Kent College of Law. I have been practicing fourteen years. My office is located at 10 No. Clark St. at the present time. Before I was a lawyer I was an accountant. I have specialized in the field of law. I have followed the Federal practice, civil and criminal, both trial and Appellate work. The greater portion of my business comes from clients and lawyers.

Q. Can you tell the Court and jury what the approximate percentages of your business from other lawyers are?

A. I would say just as much from lawyers as from clients; in fact, more from lawyers.

1170 Q. Fifty per cent or more comes from other lawyers?

A. Yes, sir.

Q. You are a lawyer's lawyer, are you?

A. Well, they think I am.

That has been true during the entire period of my practice here in the Federal Building. I believe the first time I actually got acquainted with Daniel Glasser was during the time that I was engaged to argue a motion for a new trial and prepare a record in connection with an appeal in the case entitled *U. S. vs. 151 acres of land*, which Mr. Baker engaged me to appeal. I came in—I think it was in the fall of 1937. The reason I wish to qualify that, I may have appeared on some little matter and don't recall it. I don't think I did. I knew he was an Assistant District Attorney here in this building prior to that. My best recollection at this time is that the time I am fixing now is the first case in which I appeared, in which he was the attorney representing the Government. I never at any time had any occasion for Mr. Kretsko to oppose me in any matter. I had no dealings with him in the office other than seeing him. I did not know him before he became Assistant District Attorney, but I knew of him, I knew of his father. I first became acquainted with him in this building while he was an assistant. I had no matters in which he and I were engaged professionally until after he was no longer an assistant, almost a year after he was out of the office.

I know Mr. Horton, I believe maybe for six or seven or eight years, from being around in this building, engaged in the business of furnishing surety bonds for defendants. I first met the defendant, Louis Kaplan, I believe in June, 1939. Last year, after he was indicted in connection with some alcohol violation, I filed my appearance in the case and later withdrew for the reason I could not get any fees. Mr. Hess inherited Mr. Kaplan. That  
1171 is the only case in which I met Kaplan. That is all, as client or otherwise. That was last June.

I believe the first time I met Mr. Bailey, he was in the Commissioner's Office when I was vigorously opposing a continuance the Government was asking. I believe it was January the 26th, 1938, in the case of *United States vs. Swanson, Hodorowicz and Dowiat*. He was in the Com-

missioner's office when we had a controversy concerning my opposing continuance. The case of Swanson, Hodorowicz and Dowiat. I believe I was engaged in that case about a day before the 26th, or maybe the morning. They were sent over to me from Mr. Kretske's office. I was asked to represent them before the Commissioner. We went over there on the day of the 26th, I believe, January 26th, 1938, and I answered ready. I had gone over the evidence, the proposed testimony, and made a rough diagram of the place where they were arrested, and was prepared to go ahead and demand a hearing. The case had then been pending thirty days, I believe.

Q. When did you go over there with them and make up this diagram?

A. At a later date, Mr. Poust, when we were preparing for trial in the District Court.

Q. My error. Tell us what happened that day in the Commissioner's office.

A. When I appeared and the case was called, I answered ready, and the Government, represented by Mr. Glasser, asked for a recess. They invited me into the Commissioner's chambers. I believe the Government's representation was Mr. Bailey and Mr. Ritter and Mr. Glasser. They asked for a three week continuance. I said, "I am opposing it. I don't think it is a request in good faith. If it is not a matter of having your witnesses, I am willing to have it go over for two or three days. I think it is an attempt to rob me from having my hearing, unless you promise you will not indict anyone."

1172 They all got together and we lost, they got a three weeks' continuance. We came back on the continued date, February 16th, 1938, and in the meantime I might say that a few days before that, an indictment had been returned. I believe the defendants had given bond; so when we appeared before the Commissioner, the Commissioner dismissed the case because he had lost jurisdiction. An indictment had been returned and a bench warrant issued. He was no longer concerned with the case.

Q. You say that at the end of the three weeks' continuance, the case was dismissed?

A. Because an indictment had been returned and the very thing happened that I expected.

The next thing, we received notice, I believe, prior to some time along in March. The notice stated to the de-

defendants that they would be called for plea and arraignment, to plead to the indictment, I believe, March 28th, 1938. I appeared with the defendants and entered pleas of not guilty, and asked leave to file motions, I would say, leave to file within ten days without prejudice to my plea. I don't know if the jury will understand that or not, but if you want to make a motion and you don't make it before you plead, you lose your rights. I always reserve that. The case was set for trial May 5, 1938. Mr. Glasser was the prosecutor in this case. He represented the Government before the Commissioner when I attempted to go to trial, I believe March 29th, 1938, was the day of the arraignment.

Q. What happened next?

A. I called my clients, informed them they better get ready for trial. I believe it was on May 2nd; in fact, I am certain since I looked in the file and saw the date. My recollection was refreshed by the stenographer's notes.

Exhibits 182, 183, and 184 are the statements I 1173 took from the defendants on May 2nd, 1938, when I was preparing for trial. The case was set for May 5th. We were preparing on May the 2nd. The defendants, Hodorowicz, Swanson and Dowiat were there on that occasion. At that time I prepared that sketch from the information they gave me. I believe they marked the place in red pencil, where they were standing when they were arrested. These are statements about what they knew of the case. I was dictating to the stenographer. She took it down, transcribed her notes, and prepared these statements. Exhibit No. 38 is the sketch I prepared from the information they gave me on that occasion. They gave me the material from which I was able to draw this sketch of Stony Island Avenue, and the various buildings, after they marked with a red pencil, where they were standing at the time they were arrested. I marked that Dowiat and Hodorowicz were arrested here, and where the car was parked.

Their defense is contained in the statements. They claim they were innocent and two of them were arrested on the street while they were in the vicinity in connection with the purchase of a second hand automobile. Swanson stated,—I believe at the time, he was not arrested, he surrendered after the Marshal went to his home and attempted to execute an arrest by warrant. He came down and surrendered and explained to me a day or two prior,

that he had a controversy with some agents when he got away from them or jumped out, or something like that. The statement will contain all the facts.

Mr. Poust: At this time, I don't believe this diagram has been offered. It was identified and marked early in the trial.

(Thereupon DEFENDANT ROTH'S EXHIBIT NO. 38, being a diagram of the vicinity of 69th and Stony Island Avenue, was offered and received in evidence, and made a part of the record herein.)

Nothing else happened that day in the preparation for trial, the clients left. On the morning of May 5th, they appeared in my office and we came down to the

Federal Building and went in Judge Woodward's 1174 court room and took a seat and waited for our case to be called. The call was completed, our case was

not called. Well, we waited until the call was ended, and went to the Clerk's Office to investigate and check the docket entries. I did check the docket entries. I found there was an entry on April 28, I believe, 1939, which read: "Stricken from the call with leave to reinstate." 1938. I turned to my client and said, "That is strange. The case has been stricken—I stated, "This is a surprise to me. I cannot understand it. I know nothing about it." I believe Swanson said, "I don't know anything about it, either." I said, they might as well go home, so they left, and I left.

Q. Did you later learn anything more about that case?

A. I believe I ran into Mr. Glasser shortly thereafter, and I said: "Mr. Glasser, what happened to that Swanson, Dowiat, Hodorowicz case? I appeared here on May 5th and waited for the case, and it was not called; and upon checking the docket, I learned it was stricken from the docket with leave to reinstate."

He said that was the wish of the Government, and that is what they wanted to do. I said, "Very well, all right."

Q. Now, did you see Mr. Glasser in connection with this matter other than in the Commissioner's Office or in the court room?

A. I never had any further discussions at all in connection with that case. I was only engaged to try it.

I most certainly did not ever, at any time, conspire with Daniel Glasser or with Mr. Kretske or with Mr. Horton, as charged in Count 2. I never did give Mr.



Glasser any money or any one else. I never did attempt to influence him to do other than his own duties. I have told you all about the Hodorowicz, Dowiat, Swanson case.

I did represent a claimant by the name of Rose Vitale in a libel case here in this court, I believe I filed it in September of 1938. I did hear the testimony of Agent Dowd. I filed an answer and Claim in that case after first filing the necessary papers in the Alcohol Tax 1175 Unit. Mrs. Vitale was in my office, I took her acknowledgment. She claimed she owned the car, and I filed an Answer,—the necessary papers which required them to remove her to the District Court for filing a libel I filed an Answer and Claim which came up before Judge Barnes.

Q. What happened next?

A. I believe I made one or two appearances with my witnesses, I believe, on December 23, 1938, when the case was called before Judge Barnes, United States versus 1 Chrysler Sedan, I answered ready, and I believe the Government answered ready. Mr. Glasser stepped up to the Bar and made an opening statement. I believe he read it from the Agents' report. I believe Judge Barnes asked one or two questions. He wanted to know if any alcohol had been found in the car. I stated, "If the Court please, they stated what the Government expects to prove here. I don't think they can make out a case upon the opening statement. I move for a finding for the Claim." A little discussion was had between Court and Counsel, and Judge Barnes decided in favor of the claimant and ordered me to prepare a Decree and ordered the car returned. The facts briefly were—the facts briefly stated before the court were the same as Judge Barnes testified here yesterday in substance.

Q. Part of that report was read to Judge Barnes?

A. All of it, I believe, as I heard it here yesterday.

Q. Is there any other information on that case of interest to this Court and Jury at this time?

A. I don't think so. It was a full and complete hearing before Judge Barnes. He did not care to hear any evidence after he heard the statement of fact.

I heard the testimony of those two Wroblewski brothers, and Alexander Campbell. I first met Ed Wroblewski in September, 1938, about the middle or toward the end of September, 1938.

Q. Had you ever seen or heard anything of him before that time?

1176 A. I never saw the man in my life until he walked into my office.

Q. Your office at 10 North Clark Street, Chicago?

A. What happened on that occasion?

A. He said to me: "I have been indicted in Indiana, together with my brother. I have a case coming up there, and we are due to appear there any day. I think we gave bond to appear in November for trial. I want to talk to you about representing my brother and myself. I said to him "Where were you arrested? Here in Chicago?" He said: "Yes." I said: "Did you give bond here in Chicago for your appearance in Indiana?" He said: "Yes." I said, "Well, where did you make your bond?" He said: "Up before the Commissioner." I said: "When?" He said: "Somewhere along in May of that year before the Commissioner." I said: "What happened on the hearing?" He said: "They told me I was indicted, and they had an indictment in which they claim my brother and I, and two others were in some conspiracy." I believe he said he was told the contents about his brother having 30 gallons of alcohol back of their garage at the premises where he and his wife resided. He also said: "I can't understand that indictment. My brother has been punished for that. Isn't that a double jeopardy? He did four months for that about a year ago." I said: "I will have to look at the indictment. I can't conceive of indicting him twice for the same thing. I will look into it. You say you gave a bond and had a hearing. I will examine the file and see more about the indictment." We had a discussion about fees. He did not pay me any fees that day, he was to come back in a day or two after I examined the indictment and looked into the case.

Q. What did you do next?

A. I went over to Commissioner Walker's office on the 8th floor of this building. I went up to Mrs. Kelly, his secretary, and said: "There is a removal case pending against William Wroblewski. Will you please get that file?" She did, and I looked at the file.

Mr. Poust: Mark this, please, Exhibit 186, and  
1177 mark these documents A, B and C.

(Documents so marked.)

Q. I hand you an envelope marked Defendant Exhibit 186, a document purporting to be a certified copy of

indictment marked Defendant's Exhibit 186-A; copy of the cognizance of bail, 186-B; and the other document, 186-C, and ask you if those are the documents you examined at Commissioner Walker's office on that day?

A. Yes, sir.

I was at the Commissioner's office somewhere along, I should judge, maybe the 20th and the 25th, about the last week of September, 1938.

(Thereupon documents were offered and received in evidence, marked respectively, DEFENDANT'S EXHIBIT 186, 186-A, 186-B and 186-C and made a part of the record herein.)

I believe on that day I made a mental note or made a little memoranda concerning the contents of the indictment, and went back to my office. My client Edward returned a day or two later. I had a conversation with him. I said: "I examined the indictment, and also the file. You have to appear at the November term of the District Court of the Northern District of Indiana; and I also read the indictment." I said to him, "You are right, about that containing the charge as one of the acts"—this conversation was with Edward Wroblewski. I said "You are right about the charge containing the allegation that your brother—it is claimed your brother possessed 150 gallons of alcohol at 10505 South Wallace Street."

In his first interview, he told me his brother was arrested under the name of William Alfred Burba; and in the second conversation, I said "It is also true your brother was charged with the identical thing in the Northern District of Illinois, only that was for possessing the alcohol and was sentenced to three months and paid a fine. That is also true of the identical act."

He says, "Isn't that double jeopardy?"

I said, "Well, it happens they do funny things in 1178 Indiana. Technically they can do it."

He said, "Can they punish a man twice for the same act and conduct?" I said, "If they call it some other offense, they can do it. They can indict you for not giving bond, or for having a distillery. If the Government would choose to prosecute, they could give a different meaning.

Mr. Ward: Is this the answer to the last question?

A. I was trying to explain to Edward. Maybe we lawyers talk too much. I am sorry.

Mr. Poust: Now, did anything more happen on that day?

A. Why I discussed the other defendants with him, this Del Zoppo and John Thornton. He said, "I understand this man Del Zoppo got four months in Indiana." I said, "What about this man Thornton?" He said, "He was out on probation and when he got caught with the load in Indiana, his probation was revoked." I said, "What about you with the four-fifths of a gallon they claim you had?" He said, "I took some bottles from the tavern and poured them into a jug and took it home. When I told them I poured from the partially full bottle and explained that was the reason there were no stamps on it, they said I could go on home." I said, "I cannot conceive of a prosecutor throwing together a conspiracy based upon such facts. I have never dealt with such a case." I said, "I will talk to the prosecutor," and we agreed on a fee. He gave me a \$50.00 retainer. We finally agreed I would represent his brother and himself for \$250.00. He said they were in very straitened circumstances and would have to pay it in installments. I believe he paid \$50.00 that day.

Q. What happened next?

A. I believe it was on September the 30th, 1938, I drove down to Ft. Wayne, and took my wife along for the trip. I did drive down in a car. I left along about noon, and arrived about closing time. I got off the road a little bit in going to Ft. Wayne and got lost and was late arriving at the office. I got there about closing time 1179 and missed the United States Attorney. I had a conversation with someone there, I asked for Mr. Fleming. I asked for the United States Attorney. I did not know Mr. Campbell was there. I asked who was his assistant, and they said Mr. Campbell. I went back to the Hotel; had dinner with my wife, and tried to reach Mr. Campbell. They told me he lived in Ft. Wayne. I telephoned him, or rather I telephoned his home, which I obtained from the telephone directory. I don't recall whether somebody told me where he lived—but anyway, I did telephone him. I was unable to get him, and left word for him to call me at the Keenan Hotel. I did receive a call from Mr. Campbell. He said he was in his office working. I told him I would like to talk to him, that I had gotten down too late to transact business during office hours, but if he would be kind enough to see me, I would come down as I wanted to leave in the morning. This was over the telephone. I went to the

office and had a conversation with him. I said, "Mr. Campbell, I represent Edward and William Wroblewski. They have been indicted in this District. I don't know whether you are fully informed with the facts concerning the indictment. I cannot conceive of a prosecutor presenting a case to a Grand Jury in a conspiracy of this kind where all defendants have been dealt with a year before." He said, "I don't know much about the case. It is late now and I cannot go in the files." He said he was busy and his secretary takes care of that. I explained it in detail without going through it all.

I told Mr. Campbell what Wroblewski had said. I said: "We don't do things like that in Chicago. I never heard of a prosecutor in Chicago having an indictment of that kind returned." He said he did not know much about it, but he would look into it. I said I was very anxious to dispose of the case, and if he could make some effort of nominal recommendation on a plea, we might dispose of it without the necessity of a trial, if we found that was true. I said "The days of five hundred and one thousand dollar fees from bootleggers are gone. I don't know whether I will even get the fee that is agreed on. If 1180 I can dispose of it on a plea, if what I say is true, perhaps we can work it out." He said he would look into it. I said, "Will you be kind enough, if you have an extra copy of the indictment, to mail it to me and let me know when we are to appear in court? I understand we are to appear at the November term at the Hammond division." He said that was right, and I did receive a letter a week later.

Q. I show you what purports to be a letter signed by Alexander Campbell, dated October 7, 1938, and ask you if that is the letter?

A. With the exception that I put some pencil notations on it.

Q. Did he send you a copy of the indictment at that time?

A. Yes.

(Thereupon DEFENDANT ROTH'S EXHIBIT NO. 137, being a letter addressed to Alfred E. Roth, signed by Alexander Campbell, dated October 7, 1938, was offered and received in evidence, and made a part of the record herein.)

Thereupon Exhibit 137 was read.

I substantially have covered what occurred there be-

tween Mr. Campbell and me. We may have talked about some immaterial things.

Q. Now did you say there on four separate occasions there that night, either in his office, or outside the building, that: "If you can do something on this case for me, I will raise my fees to \$500.00 or \$1,000.00 and give it to you for yourself, or for campaign contribution?"

A. No, sir.

I saw him again that night after I left the building. When I left the office I looked around in the building. I had occasion—if you will pardon me, to use the men's washroom. I was in the building ten or fifteen minutes. I walked out, I don't know much about the City of Ft. Wayne. I was standing on the stairway, and just got out of the building, and someone came almost alongside of me, and there stood Mr. Campbell. I believe I said: "Mr. Campbell, which way is it to the Keenan Hotel? I left my wife there and I am in a hurry to get back." He turned the direction and said: "It is off that way," and said "Goodnight" and went on. There was nothing further in the way of conversation there between him and me that night after we both got out of the building. He went off in his direction and I went off in mine. I did not see him there the next day before I came back to Chicago. I left the next morning for Chicago. I got this letter, and the indictment, about a week after I got back. I did later try that case.

Q. Did you do anything, make any more trips to Indiana before the case was tried?

A. Well, yes, I went there on plea and arraignment. I had a conversation with Mr. Campbell at that time and asked if he would consider going into the matter. He said that what I said was substantially correct. I said: "Would it be agreeable to you to make some sort of recommendation, if you must have your correction? Perhaps my clients would be satisfied and we could have a little money and it will be agreeable to everybody." He said he was not disposed to do that. I said, "How about going in and talking to the Judge?" He said, "No," and I said, "I would like to have the Judge hear the story, but I will not go to the Judge myself. I never have and never will, without the other side. I guess the only thing left for me is to try the case." So I prepared and filed a petition to suppress evidence. There is a constitutional question which was important and involved, so I tried the case. The case



came up for trial somewhere along about December. I believe it went to trial in December, in Hammond, before Judge Slick. It went to a jury. We prepared for trial in my office a week before we went to trial, which was the first time I met William Wroblewski. His brother brought him down. I should judge we spent two or three hours, maybe, and prepared it and went to trial. There was a conviction, and on that day I entered a motion for a new trial. It was set for argument at Ft. Wayne before Judge Slick. The motion was over-ruled. The judge imposed sentence. At that time I told the judge I would file 1182 notice of appeal, and he agreed to admitting the defendants to bail and fixed the bail. I subsequently prosecuted an appeal in the Circuit Court of Appeals. William received a sentence in the Northern District of Indiana of twenty months; Edward received one year and a day. The other defendants were given probation. I did present an appeal to the Circuit Court of Appeals. I think I received notice from the clerk of the Circuit Court of Appeals on June 30th or July 1st, advising me that the conviction had been affirmed.

Q. I show you a pamphlet entitled "Appellant's Brief, William Wroblewski and Edward Wroblewski, Defendants," and ask you if that is the brief which you prepared and filed in the Circuit Court of Appeals for those two men?

A. That is one of the required number necessary to file in the Circuit Court of Appeals.

(Thereupon the said brief, marked EXHIBIT 187, was offered and received in evidence, on behalf of the defendant Roth, and hereby made a part of the record herein.)

Q. Now, did you meet Mr. Bailey in connection with this prosecution, during the trial or during the time the case was on appeal?

A. He was there during the trial. He also testified very briefly, simply that he interviewed the witnesses and prepared the case.

Q. Did you and he have any conversation about the series of prosecutions against the Wroblewskis?

A. I met him on the train, bound for Chicago. He said Edward was going to have another indictment in the Southern District of Indiana, but there was some immaterial discussion concerning the case, a post mortem.

Q. Was Edward indicted down there later in Southern Indiana?

A. I was informed by Mr. Ralph Gutsell in Chicago—

Q. And who was on the stand here yesterday?

1183 A. Yes, sir. Pardon me, I wish to correct that.

Eddie came to my office,—Mr. Edward Wroblewski came to my office and told me he had been indicted in the Southern District of Indiana for conspiracy to violate the alcohol laws. He said, "This is triple jeopardy, isn't it?" I said, "Who is your lawyer?" He told me he had engaged Ralph Gutsell.

Q. Just pardon me. In the case he had here, you did not represent him in this District?

A. No, sir.

Q. Who was his attorney there, if you know?

A. Only from what I learned in the case.

Mr. Ward: May I have the date of the triple jeopardy?

A. Along about March or April.

Mr. Poust: Q. Did you know whether Mr. Bolton was the attorney who represented him on the case here?

A. Not of my own knowledge, only what I learned in the preparation of this case.

Q. Go ahead.

A. I said that Mr. Gutsell knew me and I was going to call him. I said I would be glad to have him call me. So when he talked to me, he said he wanted to examine the indictment for the Northern District of Indiana, with a view of preparing a plea of jeopardy. I said, "I will be very glad to do what I can to help you." He is a good friend of mine. That was about the substance of the conversation.

Thereupon it was stipulated by and between the United States Attorney and Attorney for the defendant Roth that the United States Attorney for the Northern District of Indiana, acting by and through his assistant, Alexander Campbell, forwarded to the United States Attorney for the Northern District of Illinois, for institution before Commissioner Walker the Wroblewski removal proceedings, which was later instituted before Commissioner Walker, and the file of which has been received in evidence here.

Q. Now, Mr. Roth, did you go down to Fort  
1184 Wayne more than once before the trial of the Wroblewski case at Hammond in December, 1938?

A. I am not certain, Colonel, whether I made a trip

before we finally went to trial in November or not. My best recollection is that I might have seen Mr. Campbell on one more occasion, when I discussed with him the possibility of disposing of the case on a plea of guilty and some recommendation of a nominal sentence, in view of the fact one of the boys had previously served some time for the same acts and conduct.

We did not ever come to any agreement as to a plea of guilty, he said he was not disposed to make any recommendation and his attitude was one of going to trial. I absolutely did not, on either of the occasions that I was down there, have any discussion with Alexander Campbell about the return of a No Bill. There was an indictment pending at that time. I was advised by Mr. Ralph Gutzell, who represented Eddie Wroblewski in the Southern Indiana District case, that he entered a plea while the appeal in the Northern Indiana case was pending before the Circuit Court of Appeals. I was informed by Mr. Ralph Gutzell, along about May 6th or 7th, it was a couple of days after the sentence was imposed that Judge Balzell had authorized overruled a Plea of former jeopardy, and had imposed a sentence of 18 months to run concurrently, and that is, together with the sentence that was imposed on the Northern District of Indiana, and which case was then pending on Appeal in the United States Circuit Court of Appeals for the Seventh District. I received notice from the Court of Appeals here, I believe, along the last of June or first of July, that the conviction in the Northern Indiana case had been affirmed. That was in 1939. I next telephoned or wrote, I don't recall just how I communicated with William Wroblewski, because I knew that Edward was then in the Penitentiary at Lewisburg. He was taken into custody on May 5, 1939, and immediately began to serve that sentence that was imposed in the Southern District of Indiana. So I then communicated with his brother, who was then at large on an Appeal bond, and had him come to my office, and I had a conversation with him.

Q. All right, what took place at that time?

A. I said to him that I had received notice of the affirmance of the conviction, and I said it would have been futile to have one for Edward anyway, in view of the Southern District sentence, and I believe we both walked over to the Clerk of the Office of the United States Circuit Court of Appeals, as I was very much interested

in reading the opinion, and I told him there might be a possibility of filing a Petition for re-hearing. And we both walked over, and I examined it and discussed it with him, and we came back to the office, and then I said to him that Mr. Gutgsell had been in communication with me, and said by all means to be sure and see that the commitment—that is a paper by which one is taken into custody by a Marshal to serve a sentence,—was issued at once if the conviction is affirmed, and get it down to the penitentiary so they would both be running at the same time, together, so he would be serving both sentences at the same time. And I also said to him when the Mandate comes down—and there is a rule of Court that the Mandate does not go down for twenty days. And that I would arrange for him so he wouldn't be picked up by the Marshall at some ungodly hour at his home, and I would notify him further. And we had some further conversation during which he had made some statements about the Government Agents having been out to see him, and were trying to make deals and promises, and that they were after Glasser and Kretske, and they could keep him on the street. This is a conversation with Mr. William Wroblewski.

Q. Is there anything else about that now that you have not completed at all?

A. Oh, only that Mr. Bailey had been out to see him, and said he would keep him on the street, the same as he was doing for the Hodorowicz boys if he would stretch a point or two for him. That was the conversation,

I believe, at that time, and on many other times, 1186 and I stated I would suggest you not discuss anything with any Agents, you are apt to implicate yourself in some further difficulties.

Q. Now, did anything happen in connection with this case before you went to Fort Wayne again?

A. Not that I recall.

I went to Fort Wayne again on July 10, 1939. I drove to Fort Wayne. I was accompanied at that time by Mr. Norton Kretske.

Q. How did he happen to go with you?

A. As I recall, it was on a Monday, and it was a nice warm day in July, and I didn't feel much like working, and I wanted company, and I had seen Mr. Kretske in connection with some matter, I don't recall, in the morning; and I said to him, "I am driving to Fort Wayne

this afternoon. Would you like to drive along?" And he said, "It is a good idea. I want to see a lawyer in Plymouth, and that would give me a chance to stop and see this lawyer." And I think we both left shortly after lunch, we were a little late in getting started. I took care of some matters at the office.

I went down for the purpose of seeing that that commitment would issue promptly when the Mandate came down, and that it would be sent to the penitentiary so that Edward could be serving both sentences at the same time. That is right, he wouldn't get any credit on the second sentence until the commitment arrived at the Institution. I believe we arrived at Fort Wayne shortly before closing time. It was very close to five o'clock. I recall that. We left here, about one, something around that time. We arrived in Fort Wayne and went to the United States Attorney's office in the Post Office Building, and I inquired for Mr. Campbell, and I was told that he was expected momentarily, and we waited for him. He did finally arrive, it was close to about five o'clock. He greeted me, and I greeted him, and I introduced him to Mr. Kretske, the former Assistant United States Attorney, and he had us wait a moment or two, and he invited us into Mr. Fleming's office. Mr. Fleming is the United States Attorney.

1187 We had a discussion about the Appeal, and he said he had an Opinion on his desk, and we talked about the case, and he had made some statement he was afraid of it, he thought he was going to lose it, the material discussion of the case, and I finally said to Mr. Campbell, "I am here to see that that commitment issues promptly, because there is a judgment entered in the Southern District of Indiana which shows that the sentence in the Southern District serve concurrently, together with the sentences of the Northern District, and I am anxious to see that you get the commitment out as soon as the Mandate comes down, and send it to the penitentiary so Edward can be getting credit for the time he is serving both of his sentences at the same time. And he said, "Why, we will have to bring him back here for re-sentencing." I said, "I never heard of anything of that kind." I said, "We don't do that in Chicago, when a conviction is affirmed the Marshal gets in touch with the lawyer, and we surrender our person at the appointed time and place." I said, "It is impossible, you can't bring the man here



from the penitentiary to re-sentence him." He said, "That is the way we do it down here." I said, "Then I will probably have to go to Judge Slick and ask for an Order directing the Clerk to issue the commitment, and that it be sent to the penitentiary so that the Warden may have it, and the man get credit for his time in accordance with the Order of Court of the Southern District of Indiana." At that moment I turned to Mr. Kretske, and said, "Did you ever have such a situation? How did you handle it?" He said, "Well, we usually worked out matters of foreign jurisdiction over the telephone." I believe that is what he did say. Then he did say, "I will check that up, the question of that concurrent sentence." I said, "I wish you would." And his secretary stepped out for a moment, and he called her in, and directed her to write to the Clerk of the Southern District, and make inquiry as to whether or not such a judgment was entered.

Q. Did he later write to you about the matter?

A. I received a letter some four or five days later.

1188 Q. I show you a letter dated July 15, 1939, marked Defendant's Exhibit 135. I think that has been identified here by Mr. Campbell.

A. Yes, sir, that is the letter I received.

(Thereupon DEFENDANT ROTH'S EXHIBIT NO. 35, being a letter addressed to Alfred E. Roth, signed Alexander Campbell, dated July 15, 1939, was offered and received in evidence, and made a part of the record herein.)

Thereupon the said EXHIBIT NO. 135 was read as follows:

Mr. Poust: "In the Department of Justice, United States Attorney, Northern District of Indiana, Fort Wayne, Indiana, July 15, 1939. Mr. Alfred E. Roth, Attorney at Law, 10 North Clark Street, Chicago, Illinois. Dear Sir: In re: United States versus Edward Wroblewski. Please be advised that Mr. Alfred C. Sogeneier, Clerk of the United States District Court for the Southern District of Indiana, advises that on April 29, 1939, the above named Defendant fixed his Plea to Guilty, and on May 5, 1939, was sentenced to 18 months, said sentence to be served in the United States Northeastern Penitentiary at Lewisburg, Pennsylvania. Fined \$500.00 without costs, which said sentence was to run concurrently with the sentence of the Northern District of Indiana. Yours very truly,



James R. Fleming, United States Attorney, by Alexander H. Campbell, Assistant United States Attorney."

Q. All right, now, what else happened on that day of July 10, 1939, if anything?

A. Mr. Campbell stated something about being a little in a hurry, and he was walking towards the door. He walked from the private office of Mr. Fleming to the large outer office, which is separated by a railing between the exit door, the offices are divided into two parts, with one the inner part of the outer office, and the outer part of the outside of the railing, which is a sort of reception section, waiting section, with chairs, about four or five feet from the door.

He walked me in that general direction, and Mr. Kretske preceded me and got outside of the railing, and was standing there, and we walked arm in arm, or I may have had my hand on his shoulder, and as I was walking out I said, "Mr. Campbell, your name has been mentioned around Chicago, common gossip in connection with Wroblewski, some irregularities of some kind, and I thought I might just as well tell you about it." So—

Oh, no, sir, I did not drag him back into the inner office at that time. We were walking towards the door. Why, we were walking arm in arm, or close together. He was escorting me to the door. As I recall, some gentleman was off to a distance there, standing, and the lady who was—I don't know her name, I believe she was Mr. Campbell's secretary, she was way off to the window, standing by the window, looking out in the street, fifteen or twenty feet away. Mr. Kretske was about three or four feet in front of me, right close to the door. We had almost reached the exit door. I said "there has been some rumor and gossip around Chicago connecting you, and an Agent named Bailey was going to get a lot of lawyers and United States Attorneys and Judges, and what not, and I have heard your name mentioned, so I thought I would tell you about it.

The Court: Just right there. Who did you hear mention his name?

A. Pardon?

Q. Who did you hear mention his name before you stated that?

A. I heard it from Mr. Horton, I heard it from the bondsman.

Q. What bondsman?

A. Around the building.

Q. Well, I want to know the names.

A. Mr. Horton was one that told me.

Q. A defendant in this case?

A. Yes, sir.

Q. Who else told you that Mr. Campbell's name was being mentioned here, and gossiped around?

A. Well, I think the first one I heard it from was Mr. Ward, on one occasion said, "What are you doing down in Indiana?"

1190 Q. Wait a minute. Without mentioning Mr. Ward's name--When Mr. Campbell's name was being discussed?

A. Mr. Ward stated to me on one occasion, "What are you doing down in Indiana, seeing Mr. Campbell?"

Q. That was before you went down to see Mr. Campbell?

A. Yes, sir, well, it is while this case was under investigation.

Q. Do you contend from what Mr. Ward said to you, that you can draw the conclusion--

A. Coupled together with what Mr. Horton said.

Q. What other persons brought Mr. Campbell's name into this public gossip you are talking about?

A. I think Mr. Horton started it first.

Q. Any other persons besides Mr. Horton that would justify you telling Mr. Campbell that his name was involved in the gossip?

A. Well, I think then I talked to Mr. Kretske about it after I heard--

Q. Outside of Mr. Kretske, was there anyone else you talked to that would justify you in telling Mr. Campbell his name was being involved in this gossip about this investigation?

A. Judge, I don't recall, those conversations were around the Commissioner's office there.

Q. All right; will you state Mr. Campbell, the District Attorney, who was involved in investigating--

A. I didn't say he was involved. I said his name was being mentioned.

Q. Something more than idle gossip.

The Court: Go ahead.

The Witness: A. And I said something to the District Attorney, and he said, "Oh, we are sold up and down the street every day, we don't pay any attention to that." I

said, "We don't either, but there is talk around Chicago, so much gossip, I thought I would mention it. You can tell Mr. Bailey about it if you want to, I have 1191 talked to some of my clients, and they have told me

Mr. Bailey has been around, he has made promises, and made threats and trying to get information," and I imparted what was going on, just a little general talk, and he said to me, "Oh, I wouldn't pay any attention to that, our dealings were always honest and up, and above board."

I said, "I didn't ask you anything that was not honest and conscientious."

He said, "That is right. I will just forget about it."

And with that I didn't give any credence,—but you hear clients come and tell you, and others, and I thought I would mention it, and I did say at the time that I heard it, and I heard this around Chicago. I believe I met Glasser one time while this investigation was going on, and he said he heard he had been ordered from the court room down South by a Federal Judge for misconduct in preparation of cases. And that was the substance of our conversation.

I did not, at any time, tell Alexander Campbell, that any Judge in the Northern District of Illinois was going to have Bailey moved out of this district.

Q. What, if anything, did you say, other than this testimony you just gave to us about some Judge down South?

A. That is all that was said about any Judge.

I did not ask Campbell to pull Bailey off this case. I said, "You can tell me about this interview, if you wish, I don't care." It lasted—it was very short. One, two or three minutes, as we were walking on. I received a fee of \$250.00 in the Wroblewski case. I did not receive that all at one time. I received it in five installments. I believe he paid me three \$50.00, and one \$100.00—four or five, installments, as I recall. I did have a conversation about these fees with the Wroblewskis, I kept asking them for fees, and they said they had their jewelry in pawn, and they were having difficulty in raising money, and finally I said I would like to have that \$250.00 before 1192 trial, and they were able to give it to me, and did give it to me. I have not yet been paid by the Wroblewskis for handling their Appeal in the Circuit Court of Appeals. Eddie went to jail while this Appeal was pending. No lawyer referred that case to me. No other lawyer did any work on it, or get any part of the fee. I

really don't know how the Wroblewskis happened to come to me and employ me in that matter. I didn't cross-examine them as to why they engaged me. Mr. Kretske had nothing to do with that case.

Q. Was he present more than that once that he rode down there with you?

A. He came into my office one day while Willie Wroblewski was in the office, and we were talking, and I had a little conversation, and I said, "That is Mr. Kretske." And he said, "Is that Mr. Kretske?" And I said, "Yes." And I introduced him.

He had then been out of office as an Assistant United States Attorney, last summer, it was in July, 1939. It was two years.

(Thereupon there was offered and received in evidence as DEFENDANT ROTH'S EXHIBIT NO. 190, the Commissioner Walker's file on the Wroblewski removal to the Southern District of Indiana and made a part of the record herein.)

I think I have stated substantially the history of the Wroblewski proceedings.

Q. All right. Let us take up the case of the United States versus Paul Svec and others, Number 20783, before the Commissioner, also Number 30603 indictment before Judge Barnes. When did you first meet this man Paul Svec?

A. Paul Svec came to my office, I believe it was along in March, 1938, and engaged me to try his case which was then pending before Judge Barnes.

He was charged with possession of un-tax paid alcohol, and removing and selling un-tax paid commodities. We discussed the tax and went over the history of the case,

and I concluded it would be wise to file a Petition 1193 to suppress the evidence, and objected to the search of the truck, and he signed a Petition that he was in custody and control of the truck. Under the fourth and fifth amendment of the constitution we have certain rights involving search and seizure, unless probable cause or warrant. And I concluded that would be the right thing to do, and I appeared before Judge Barnes and asked leave to file a Petition, and it was granted, and we subsequently went to hearing on that. Mr. Glasser was prosecuting that case for the Government. After hearing on the Petition it was overruled, it was along close to the vacation time, I guess the case was set in June, and finally

was continued until October, and shortly after the opening of the term of Court we went to trial. Mr. Glasser represented the Government, and I represented Mr. Svec. I believe it was tried around the early part of November, or in October, 1938. The case was tried before a Jury.

Q. What did you do towards reference to preparing for trial?

A. We went out and took a photograph of the right-of-way of the Northwestern Railroad, and various things I found concerning certain premises and the truck. That was on the question of the search and seizure, and I prepared with the witnesses when we went to trial on the merits.

Mr. Svec was found guilty, and Judge Barnes imposed a sentence of two years there. I took an Appeal and went to the Circuit Court of Appeals. I did write a brief in the Circuit Court of Appeals.

Q. I hand you a brief marked for identification, Exhibit 191, and ask you if that is the brief you wrote for Paul Svec in the case of United States versus Sebo, alias Paul Svec?

A. Yes, sir, that is it.

(Thereupon DEFENDANT ROTH'S EXHIBIT NO. 191 being a brief in the case of United States *vs.* Sebo, alias Paul Svec, was offered and received in evidence, and made a part of the record herein.)

1194 The conviction was affirmed in the United States Circuit Court of Appeals. Mr. Glasser represented the Government in that case. Let me see; yes, I am just wondering who argued that case. I know there was one case in which another attorney appeared. I think it is Mr. Eben. I believe that was Mr. Ward's case, where Mr. Eben substituted,—Mr. Davis. I think Mr. Glasser argued this case, I am not sure who appeared on oral argument, somebody from the United States Attorney's Office. I did represent Svec on another case at this time. That was the case before United States Commissioner in the month of December, 1938. His first case was pending on Appeal in the Circuit Court of Appeals when he was taken into custody in connection with this offense before the Commissioner. It was unrelated to the case—it had no connection with the other one, whatsoever.

Mr. Svec came to my office shortly before the time of the hearing, which I think was close on to Christmas, I think it was December 21st or 22nd, 1938. He stated to

me that he had been arrested and charged with ownership of a still, I believe, on Wells Street.

I asked him to relate the facts to me, and he said he had no connection with that still, he was innocent, that he was driving by in a vehicle on Wells Street, and that the Agents were out in the process of executing a search warrant on the premises, and they observed him riding by, and pursued him, and he rode some four or five blocks, and he got out and ran, and they continued after him, and took him into custody, and he said he had nothing to do with it. I said, "Well, we will go to hearing before the Commissioner on the appointed day", and we did.

He did say to me in that conversation, he related to me that he had been to Mr. Glasser's office, and there was an interview, and I warned him not to make any statements to Glasser, or anybody else. I said, "Don't make any written statements." Colonel, there were other defendants in this same proceeding before the Commissioner, I think a man named Maples, and a man named Bernstein.

(Thereupon DEFENDANT ROTH'S EXHIBIT NO. \_\_\_\_\_ being the file of Commissioner Walker in the case of United States *vs.* Paul Svec, Maples and Bernstein, Commissioner's No. 20783, was offered and received in evidence and made a part of the record herein.)

Maples was the defendant there before the Commissioner. Mr. Edward Hess represented Mr. Maples and Mr. Bernstein. There were three defendants there. I represented Mr. Svec and Mr. Hess represented the other two. I have told you everything up to the date of the Commissioner's hearing. Mr. Glasser represented the Government in that case. At the hearing, the Government introduced their evidence, I think four or five agents took the witness stand and told their story. I wouldn't recall the names of them, whatever the file indicates, perhaps is the fact as to who they were. I don't recall all of the proof, but as to my client, it was substantially he was right by in front of the premises. The proof was that my client was riding by in front of the premises, and some agent said he saw him turn and look toward the premises of the place where they were raiding, and they said, "There goes Paul Svec". And one of the agents knew him, and knew he was out on bond in connection with a case, and they pursued him and took him into cus-



tody, and that was substantially the evidence as to Svec. The Commissioner heard the evidence, and discharged Paul Svec. Mr. Hess I believe made a Motion to suppress the evidence, and they were found somewhere connected or close to the still premises, and they were bound over to the District Court.

Paul Svec came in once or twice as to his appeal was pending. We had some financial dealings concerning the case, and so on. He came in shortly after he was discharged, and we had a conversation concerning this case.

1196 Q. Well now, did he tell you anything about this incident up in Glasser's office, Mr. Glasser's office, where some agent was supposed to be hidden in a closet, or something?

A. Yes, sir, we talked about that.

I should say it was maybe ten days after he was discharged, or a week, and he said to me that he was in Mr. Glasser's office, and that Mr. Glasser asked him, "Do you know me". And he said, "No." It was substantially as he related it on the witness stand here. That he didn't know him, and that he never paid any money to him, or to anybody for him. And then I said to him, "Were you telling the truth?" And he said, "Yes, sir." Well, I said then, "I admire you for standing there and telling the truth." There was something else said there at that time. I said it is common gossip all over the building—that there was a Government Agent secreted—

Q. Wait a minute. Where had you heard about it from time to time around this building?

A. It was all over the building. I believe I talked to the Commissioner about it, he knew it. Commissioner Walker.

And I said, "It is all over the Federal Building that there was an agent secreted in the room adjoining Mr. Glasser's office when you were in there, being interrogated", and he said is that so, and that is about the substance of it.

Q. Was there anything said about this Svec case to which I have referred about which I have neglected to ask you?

A. That is about all.

Q. All right. Now, let us take up this Dewes matter. It is mentioned you represented in Indictment 31201, trial before Judge Wilkerson, without a Jury, June 30, 1939.

Indictment 31201. Now, were you employed in the Commissioner's Court in the case involving Dewes?

A. I had nothing to do with any Commissioner hearing concerning Dewes or any of his co-defendants.

1197 Q. All right. Did you appear for Dewes more than in this one indictment Number 31201?

A. Well, there was an indictment returned subsequent to that one, which covered the same offense.

Q. That is 31502, and that was consolidated with 31201. But it was really only one trial?

A. One offense. But there was a subsequent indictment covering the same offense, added some additional defendants, but they were both consolidated for trial.

Q. But what I am getting at is did you have any other cases for Dewes?

A. No, sir.

I never represented him more than this once, and that was a trial by Judge Wilkerson without a jury, prosecuted by Mr. Ward.

Q. I believe when you were last on the stand, I was asking about the Dewes case, indictment 31201 consolidated with indictment 31502. I believe you stated that you were not present or representing any defendant in the Commissioner's court in that case, is that right?

A. Yes, sir.

I did represent the defendant Dewes in those two indictments. I did not represent any other defendant in that indictment. I first met Dewes about December, 1938 or January, 1939. It was after the indictment, after he had been indicted, I recall that. That case was tried June 30, 1939, before Judge Wilkerson, without a jury, and was prosecuted by Mr. Ward. I was engaged to try that case. I came over several times and the case was continued a few times, due to the illness of Mr. Anderson. I had known several times that the case would be continued because of the condition of the call or illness, one thing or the other continued it. While the case was pending, the indictment covering the same offenses was returned, naming some additional defendants and additional lawyers came into the case. Originally it was Mr. Ander-  
1198 son's office and myself, and additional lawyers came in on behalf of additional defendants. I believe Mr. Cohen represented Widzes and Mr. Adams represented Duthorn. We conferred in my office concerning the preparation of that case, and decided we would rely on the

weakness of the Government's case and make no defense. The case was so heard before Judge Wilkerson and jury was waived. After it was heard, Judge Wilkerson took it under advisement for a week or two, and there was a finding of guilty as to Dewes, Raubunas, Beisner; Duthorn was discharged and Farber had entered a plea of guilty at one of the early stages. I don't recall just when, I was not there, when his case was disposed of, but I learned subsequently that he received a sentence of one hour in the custody of the Marshal's office, and Widzes was placed on probation, and that defendant Niess was never apprehended. There was no appeal in that case. The defendants were taken into custody, and began serving their sentences.

Q. Now, take up the Frank Hodorowicz case. Is there anything more you want to tell in the Dewes case, or have you covered that now?

A. Yes, sir.

Q. When did you represent Frank Hodorowicz in this court?

A. After an indictment was returned, I believe.

Q. The second indictment in the District Court, No. 31013, consolidated for trial with No. 31014, both returned June 30, 1938?

A. Yes, those are the indictments. It was after he was indicted, when I first met him.

I don't think there were any commissioner hearings involved in this case. There were other defendants in that indictment than Frank Hodorowicz, his brother Mike, and I believe Pete, and one Clem Dowiat.

Q. All right, now, with reference to the return of the indictment, when did you first meet Hodorowicz?

A. He came to my office some time after the indictment was returned, and after, I believe he had given bond. We had discussions concerning the case, and I filed my 1199 appearance. I had one conference with Mr. Glasser concerning it.

Mr. Glasser was the prosecutor. Well, I went over one day and asked what his attitude was with reference to the Hodorowiczses. I told him I was somewhat of the opinion that, as to three of them, we hadn't much of a chance to win, that I thought the evidence might be a little bit different for them to prove as to Frank. He says, "I would not recommend anything but a substantial penitentiary sentence for the Hodorowiczses." That was

the gist and substance of the conversation. I did report that to the Hodorowicz, and I later on was substituted as their attorney and Mr. Hess was engaged. I might say that during one of the conversations with Frank Hodorowicz, I suggested I thought it advisable to have two lawyers. I thought one lawyer should represent the three and a separate representative for Frank Hodorowicz, and Mr. Hess' name was mentioned. I believe I did a little work in connection with coming over here and substituting some securities for cash that he had, on the bond. We withdrew Liberty bonds and substituted real estate, and I did the necessary work in connection with substituting bail. Then Mr. Hess substituted for me in that case, which was ultimately tried.

Q. What was said between you and Frank Hodorowicz when you asked to withdraw and he retain Mr. Hess?

A. In fact, he did not come back. I prepared the substitution and could not get him down to sign it.

I don't recall exactly when I withdrew and Mr. Hess filed his appearance. It was toward the end of the summer. I know Mr. Hess 'phoned me that Hodorowicz had been in to see him and I said, "It is perfectly all right with me." That is a courtesy between lawyers. It was about September the 9th, 1938. I understand the case was later tried.

Q. And that was the case that was told about here, a jury trial before Judge Woodward, in which Mr. Glasser prosecuted and Mr. Hess defended.

1200 A. My answer—I did appear when the case was called for plea and arraignment and entered pleas of not guilty. Then it was set for trial.

That was the entire extent of my dealings with Frank Hodorowicz. He retained me and I attended to the bond and later withdrew.

I heard this man Duckett or Brown testify about a couple of cases before Judge Holly. I represented Mr. Brown in a case pending before Judge Holly. It had been pending there a little while. I came into it after the indictment and after he entered his plea, and after there had been one or two appearances. He did not, to my knowledge, have some other lawyer representing him before I came into it. There were two other defendants in that case who he informed me had entered pleas of guilty and were placed on probation. I was not in the case at that time, but I was informed that Senator Marowitz

represented Farber. I appeared on one occasion and after discussing the case that Mr. Brown told me about, I thought that it was hopeless and futile to go to trial. Subsequently a plea of guilty was entered. At the time I entered the plea of guilty, Mr. Ward appeared and made a statement that he desired to have the case sent up to Judge Woodward. I objected on the ground that there was a rule of court that required subsequent indictments naming the same defendants in similar cases, be assigned to the same judge. I said I thought that in accordance with the rule, the other indictment should come down to Judge Holly. Mr. Ward stated he conferred with the Judge and desired to have the case go to Judge Woodward, and it did. Mr. Glasser was the original prosecutor in charge. I believe Mr. Glasser was still the prosecutor when I filed my appearance. This indictment that was returned before Judge Woodward was called for plea and arraignment. I entered a plea of not guilty in that case, and the same question concerning the rule came up. The Judge said, "We will take the plea temporarily." We did, and at a later date, both cases came up before Judge Igoe, who had taken over Judge Woodward's call during his absence. I entered a plea of guilty to one indictment and stated to Mr. Duckett that as long as 1201 we were entering the plea of guilty to one, we might as well plead guilty to the other, and get a sentence by the Court. We pled guilty to both. I represented him in the early stages of one of those cases before the Commissioner. I believe the second indictment grew out of the still alleged to have been found somewhere on 40th street near Cottage Grove avenue. This was about six months before this indictment was returned.

He was arrested in an automobile sitting on the street,—it was parked at 39th and Cottage Grove, together with his nephew. The agent came up to him and took him into custody and took him back to this District to this distillery that was found two blocks away from where he was arrested. When the case came up before the Commissioner, I think once or twice, I think Mr. Gerber appeared at one hearing. There were quite a number of defendants, and the result of the Brown case was that, after some statement of facts, a motion by the prosecutor to dismiss that case was had. Later I understand he was indicted. That was before the Commissioner, I think in June of 1938. I was appearing for him there. On one

occasion Mr. Gerber appeared for the Government and on one occasion Mr. Glasser. When it was finally disposed of, Mr. Glasser appeared.

Q. Now, you heard some testimony about him looking at some papers over your shoulder?

A. When the second indictment was returned, we came over to give bond. I got the number out and prepared my motion slip, asking that the bail in one case stand as the bail in the other. I believe I went to Mr. Ward and he consented and approved the motion slip.

At that time we looked at the indictment. It had a conspiracy count and listed twenty overt acts concerning conversations and such things. I was going over it and he said, "It looks like I was followed". I read it and looked at the indictment in the clerk's office.

1202 Q. Mr. Roth, you saw these two indictments that were furnished by the prosecutor?

A. I examined those.

Q. Are these the same copies of the indictment you examined with Duckett or Brown in the clerk's office?

A. They appear to be similar.

*Cross-Examination by Mr. McGreal.*

I said I was forty-five years old. I was just forty-six the other day. I have been practicing law fourteen years. Prior to that I was an accountant. I hold a public accountant's certificate. I was practicing on my own account in Chicago. The Jursich farm case, 151 acres of land, was not the first case that was ever referred to me, that is the one Mr. Baker referred to me. I did represent the Wroblewskis, there is no question about that. Nobody referred that case to me. Mr. Edward Wroblewski came in to my office. I did represent Harry Duckett, alias Harry Brown. Mr. Kretske referred that case to me. I did represent Frank Hodorowicz. They came directly to my office. I did represent Frank Hodorowicz.

Q. Who referred that case to you.

A. Originally the Hodorowicz family, with Swanson, was referred to me by Mr. Kretske.

I did represent Swanson, and I did represent two other defendants in the original Hodorowicz case. There were only three defendants altogether. I represented the three. Mr. Kretske referred that case to me. I did represent Paul Svec. He came to my office, I believe, unreferred.



I certainly did hear Alexander Campbell testify. I am quite sure that he was correct about the date of the meeting, September the 30th, 1938. He was correct when he stated he met me in Ft. Wayne on that day. He was also correct when he stated he received a telephone call from me in Ft. Wayne. There is no question about him 1203 being correct when he stated he had a meeting with me in the Federal Building.

Q. He was correct when he stated he had a meeting with you, wherein you discussed the indictments of the Wroblewskis, is that right?

A. I don't think he ever said that.

That is right when he stated he met me outside the Federal Building about fifteen minutes afterwards. He is wrong—he was not correct when he quoted me as saying, "That is the way we do things in Chicago".

Q. He was correct when he stated you mentioned the figure of \$500 or \$1000?

A. I don't recall if that was mentioned on that occasion. I will say—

Q. Didn't you say in direct examination that you told Alex Campbell at that time that this was not the time that you could get \$500 to \$1000 in a bootlegging case?

A. That is right.

That is correct, I stated that. That is right, Alex Campbell was correct when he stated the figures \$500 to \$1000 were used. He was correct when he stated he met me on the 10th day of July, 1939, at Fort Wayne. He was also correct when he stated I had a meeting in his office with him on that day.

Q. He was correct when he stated that this Miss Stilwell was there?

A. I didn't know her name.

Q. There was a lady present?

A. Yes, sir.

Q. He was correct when he stated a man by the name of Moss was there?

A. I did see somebody at a distance.

There is no question about he being correct in stating that Norton Kretske was there. I did not tell Alex- 1204 ander Campbell, on July 10th, 1939, at that conversation, that Tom Bailey was making an investigation of certain lawyers in Chicago in those words. I did tell him in substance. I did tell him in substance that I knew that Tom Bailey was making an investigation of

certain lawyers in Chicago, and I told Alex Campbell that his name was mentioned in connection with that investigation. I did not tell him that I did not want to be involved in that matter.

Q. Did you tell him at that time and place, that some might say his name was used and that some might say he asked for a bribe?

A. Well, I just recall his name was mentioned.

That is right, I told him I knew his name was mentioned in the investigation in Chicago. I don't think I gave him the source of the information. I don't think I told him I talked to Mr. Horton, and Mr. Horton told me his name was mentioned. I would not recall exactly if I did tell him that.

Q. Did you at that time and place tell Alex Campbell that there was a Federal Judge in Chicago that was going to get Tom Bailey's job?

Mr. Poust: Mr. Roth is not deaf, and neither are the Judge and jury. There is no cause for Mr. McGreal to yell at the witness.

The Court: That is his method of cross-examining. He may proceed.

Mr. McGreal: I may be a little deaf myself.

Mr. Poust: I noticed when they cross-examined the Judge, they did not yell.

The Court: Mr. McGreal is not cross-examining a Judge. I have observed Mr. McGreal's method of cross-examination, and he may proceed.

Mr. McGreal: Q. Will you answer my question.

The Witness: A. Will you read the question?

(Whereupon the last question was read.)

The Witness: A. Most certainly not.

1205 I did talk to Alex Campbell at that time and place about the sentence of Wroblewski, but not as he told it. He was absolutely wrong the way he told it. There was testimony the Court already entered, for what I was asking, I was asking for nothing.

I did talk to Paul Svec after the hearing held before the United States Commissioner in this building on December 21, 1938. I could not fix the date. I certainly did represent him at that hearing. I certainly talked to him in and about the hearing. I would not recall if I left this building with him. I did not immediately after the hearing, on December 21, 1938, tell Paul Svec that he "stood

up all right" in answering questions that were asked by Mr. Glasser.

Q. Did you have any conversation at all with Svec at that time?

A. I certainly talked to him, I was representing him.

I had several conversations with Paul Svec after that. He came in in connection with the appeal. I believe I did have a conversation with him about ten days after that hearing.

Q. Who told you there was an agent secreted in Mr. Glasser's office?

A. One of the men I discussed it with was Judge Walker.

Q. When?

A. A week or two after it happened. Why, it was all over the building. I heard it every place I went.

Q. And you discussed it at that time?

A. Yes, I talked about it.

Q. Did you discuss it with Svec on that day?

A. Somewhere along about that day.

Q. Did you tell him he stood up all right?

A. I did not use that language, Mr. McGreal.

Q. Now, when did Wroblewski first come into the office?

A. Which Wroblewski?

1206 Q. The ones you represented.

A. Which one?

Q. Which one did you first represent?

A. Which one?

Q. Which one did you first represent?

A. I represented both of them.

The Court: The question is, which one did you first represent?

A. Both of them.

The Court: Q. At the same time?

A. Yes, the brother engaged me for both.

Q. Which brother came first?

A. That is different. Mr. Edward.

Mr. McGreal: Q. Was he charged with a crime at that time?

A. There was an indictment pending in Indiana.

Q. Was any charge pending against him in this district?

A. Not to my knowledge.

Q. Did you have any conversation with him concerning a charge that was placed against him in this district?

A. I don't recall that he said there was any charge pending or placed against him in this district.

Q. Did you have any conversation with him about a charge wherein his brother received a sentence of three months from Judge Barnes?

A. Yes, sir.

Q. Did he tell you he was involved in that case?

A. He explained to me in connection with that case,—he was asked to explain the possession. He came down—

Q. Came down where?

A. To the Federal Building.

1207 Q. Who did he say he talked to?

A. I don't recall.

Q. Go ahead, what happened?

A. He told about being called down here, or up here, to explain possession of four-fifths of a gallon of alcohol or uncolored spirits that were found in his basement at the time and—at the time the search warrant was executed on the garage, they also came to the house and searched the home and found a partially filled jug of uncolored spirits without stamps on it. They left word for him to get in touch with them, so he went downtown and explained it, and I guess he got permission to leave.

He did not mention any names or places except the Federal Building. Then he told the circumstances about the arrest of his brother in the case that was tried before Judge Barnes. He did tell me that his brother received a sentence of three months. He was not even indicted in that case.

Q. He was sent home after a conversation with Mr. Glasser?

A. I did not say with Mr. Glasser.

Q. You had discussed with him about double jeopardy, had you not?

A. He did not use that language at first. He said, "Can they punish my brother twice? They arrested him in Chicago and punished him—"

Q. And you told him they could not do that?

A. I had to explain how the Government might be able by using some other statute.

That is right, he was indicted in the Northern District of Indiana, he and his brother and two defendants, were

charged with a conspiracy against the alcohol tax law. I did read the indictment.

Q. Do you recall anything about two shipments of Alcohol from Chicago to Indiana?

1208 A. Two overt acts of the two defendants.

Q. So there was something else in the indictment?

A. He told me one of the others had been punished, that one had been sentenced to four months and the other had his probation revoked. I was the most surprised lawyer in the country.

Q. As the most surprised lawyer in the country, did you raise that defense in Indiana?

A. No, sir.

Q. Was that defense considered?

A. They got a conviction.

Q. And the Circuit Court of Appeals affirmed the conviction?

A. That is right. If you will let me explain it—

Q. No, you explained it.

Q. Now, that day you went down to Indiana with Kretske, what road did you take down to Fort Wayne?

A. Well, I believe—I don't know the road number. I looked at the map and there was a very fine highway that passes—

Q. What road did you take to Fort Wayne?

A. Will you let me explain? I don't remember the number, Mr. McGreal. I will tell you the towns and you can figure it out for yourself.

We did go through Plymouth. We did not stop at Plymouth, we were late in getting—I don't remember very well what time we arrived in Plymouth. We figured it was about a four-hour ride and we figured it would be 5:00 o'clock.

Q. When you started out, Mr. Kretske was going to see a man at Plymouth, wasn't he?

A. We were delayed in getting started.

Q. You did not stop in Plymouth?

A. We could not make it.

We did go to Ft. Wayne, that is right, Mr. McGreal. We went over to Mr. Campbell's office.

Q. Did you at that time say to Mr. Campbell, "Take Mr. Bailey off the case, if you can"?

A. Well, I know better than that.

The Court: The question is, did you say that to Mr. Campbell at that time?

Mr. McGreal: Did you?

The Witness: A. I did not.

Q. Did you tell Mr. Campbell he was one of the lawyers Mr. Bailey was investigating?

A. I did not mention names.

I absolutely did not tell Mr. Campbell not to say anything about our conversation of September 30, 1938. I told him to tell Mr. Bailey I was here and had a conversation with him, if he chose. I did go down to Ft. Wayne to talk about the second sentence of Wroblewski. I did not write any letter about that. I did not make any telephone calls about it.

Q. Did you communicate with the District Attorney of the Southern District of Indiana about it?

A. Mr. Gutsell advised me in connection with that.

The Southern District sentence was imposed on May 5, 1939. The sentence in the Northern District had been imposed in January, 1939. I certainly was present, when it was imposed, before Judge Slick, right in Ft. Wayne.

Q. You say Paul Svec just dropped into your office?

A. Yes, sir.

He paid my fee, two hundred dollars for the first trial court case. I agreed to handle his case on appeal for five hundred dollars, and he still owes me one hundred and fifty dollars. The total amount received from Paul Svec in that case was five hundred and fifty dollars for the trial court and appeal. He paid me one hundred 1210 dollars for representing him in the hearing in 1938.

The total amount I received from Paul Svec, altogether, in all the cases, was five hundred and fifty dollars and one hundred dollars, \$650.00. I received \$250.00 from the Wroblewskis. I drove with my wife down to Indiana on September 30, 1939—it was just a little outing for my wife. It cost probably four or five dollars. I did make a trip down to Indiana on July 10, 1939. That cost me four or five dollars, just for gas. I drove with Wroblewski at the time I made a trip to Hammond, at the time of the trial. That did not cost me anything. I did file printed briefs and abstracts in the Circuit Court of Appeals. I did not pay for those. The Wroblewskis paid for them, whatever the costs were. I will try to remember them if you want them.

Q. You did receive something more than \$250 from them, didn't you?



A. Not I.

Q. Did they pay it direct to the printing company?

A. When you say "received", I mean handed to me.

Q. I mean, how much did you receive?

A. How much I handled?

Q. How much did you receive from the Wroblewskis?

A. Maybe some costs they paid themselves.

Q. Did you pay the expense of printing the briefs and abstracts in the Circuit Court of Appeals?

A. I certainly did not.

Q. Did you write a check on your own account to the printer for the cost of printing them?

A. I don't know, there may have been an exchange of funds. They may have given me money and I drew a check for it. I personally did not pay my own money.

Q. They may have given you more than \$250?

A. Not as a fee.

1211 Q. But they may have given you more than \$250, is that right?

Mr. Poust: I object, your Honor. He has answered that three times. There is no point in repeating the question like that.

The Court: Have you the answer to your question?

Mr. McGreal: I think I got the answer I want, Judge.

Q. How, when the first Hodorowicz case was referred to you by Mr. Kretske, how much fee did you receive?

A. One hundred dollars.

I received that from Mr. Kretske along about the time the case was pending before the Commissioner. I believe it was after I had been before the Commissioner, and there was a three weeks' continuance had. I think it was between that period. I did not ever receive any more in that case. I made two appearances in court. I received \$50 from Mr. Kretske and was to receive additional money from Dewes, and I could not get it. That is right, all I received in the Dewes case was a fee of \$50.00.

Q. Who paid you your fees in the Jurich farm case?

A. We had a contract with Jurich, contingent upon success, Mr. Baker and I.

That is right, Mr. Baker referred that case to me for appeal. That was tried in the court of Judge Barnes and Mr. Glasser was on the other side. Mr. Glasser won and I took it to the Circuit Court of Appeals. That is the brief that was here yesterday, *United States versus* 151

acres of land. There are two briefs, one on behalf of the other claimant. That was Loyjk. I did represent him. I discovered there was a right of the mortgage man involved. I saw some papers, I had a copy of the statement that Mr. Jurich made to the Alcohol Tax Unit. They gave me a copy of the questions and answers. I says, "Why, you have an interest here, a man, to the extent of \$3,000. How come that claim was not filed on his behalf?"

It seemed somebody had slipped up on it. I said, "I 1212 will petition Judge Barnes and ask the right to file a claim, although there has been a verdict." The Government having knowledge of the mortgage man's rights and gave notice to everybody else, knew about him from the very first day, and then gave notice to the Marshal, they would not—I said I would petition Judge Barnes and that he may permit the claim to be filed if I am able to show they knew of his rights before. Judge Barnes overruled me and I appealed, and also appealed from the judgment as to Eleanor Jurich and her father.

I appealed to the Seventh Circuit Court of Appeals. The case was reversed and remanded, and with due respect to Judge Barnes, he took due notice of the fact that they could forfeit the entire bond. The Government bond was known as a libel. I would not know when that was filed. I did not try that case in the District Court. I think the libel case was filed prior to the criminal action in that case. I did represent one of the defendants in the criminal action that grew out of that seizure. I represented Mr. Jurich, the farmer. That was the only one. I appeared in both cases, in the libel and the indictment that subsequently followed. That is correct, Mr. Glasser had charge of both cases.

Q. Isn't it true that libel action was filed and disposed of prior to final disposition of the criminal case?

A. It was pending on appeal.

Q. In the lower court, it was disposed of?

A. I would not call it final disposition.

Q. Isn't it also true, that in a libel case, it is necessary for the Government to discuss all the evidence of the seizure?

A. Not necessarily.

Q. One of the elements necessary to prove a libel action, is what evidence the Government had in the criminal case, isn't that true?

A. Yes, but the principal thing—

Q. Answer yes or no. Isn't it true that one of  
1213 the elements involved in a libel case, is the disclosure of all the evidence the Government had as a result of that seizure?

A. Not necessarily. If I was prosecuting I would not disclose it.

Q. Did Mr. Glasser?

A. I don't know.

Q. Did Mr. Glasser?

A. I was not there.

Q. You know he did, do you not?

A. You know I—

The Court: You examined the case and the record on appeal. You must have, if you made an appeal.

A. I did.

Q. Then you know just as much about it as if you were present in court.

Mr. Poust: He may not remember the record, your Honor.

The Witness: A. I don't memorize all the record.

Mr. Poust: I submit this farm libel case has nothing to do with the issues.

Mr. McGreal: You mentioned it in your direct.

Mr. Poust: No, I did not.

The Court: Proceed.

*Cross-Examination by Mr. McGreal (Continued).*

I examined the pleadings in the case of the United States *versus* 150 and a Fraction of Acres of land in McHenry County, Illinois, Case No. 43361. That was a libel action, the United States *versus* John Jursich and Eleanor Jursich, owners of the land. The basis of the libel action was the seizure of a certain still on the land there. I don't recall who the operators of the still were alleged to be in the libel proceeding, it mentioned a lot of names. I have heard of the name of Dominic Guastella. I saw the name of Louis Spino in there, Stanley Bronkowski and William M. Gerke. In addition to the land  
1214 stated in the libel there was a tractor which they had no right to take.

Q. Which you thought they had no right to take?

A. The Circuit Court of Appeals agreed with me.

Q. In this same case?

A. Yes, sir.

Q. What evidence was presented in the record on the Government's contention along that line.

A. I would not remember that entire record. Do you want me to read it, Mr. McGreal?

Q. You can read the portion at the right.

A. I will be glad to.

Mr. McGreal: Mark this No. 194.

(Document marked as requested.)

Q. I show you a document which has been marked for identification as No. 194. What is that?

A. That appears to be a copy of the transcript of the record filed in the case of United States of America *versus* About 151 Acres of Land, United States Circuit Court of Appeals for the 7th Circuit, in which I represented the Appellant claimants.

I did not have co-counsel in that case. I did all the appeal work. Mr. Baker brought it to me and we conferred in connection with a motion for a new trial, but I conducted all the work thereafter. He brought it to me after the jury returned a verdict finding for the Government. I have known Mr. Baker six, or seven or eight years prior to that time. I can tell from examining the record the date this libel suit was filed. I can see the date the pleading was filed. The record shows the libel was filed on May 26th, 1937.

The Court: For the benefit of the Jury, you might explain the purpose of a libel action.

The Witness: A. A libel suit, some people mix it with, or mistake it for libel and slander, but we 1215 might call it a forfeiture suit. When the Government discovers a violation on certain premises where the revenue laws are involved, the Government has a right to seize property and forfeit it to the United States, because it was used in connection with the violation of the law. In this case, there was a still found on the farm, and the law provides for a proceeding where you may forfeit—

Mr. McGreal: Q. Excuse me, do you know whether or not a still was found on this farm?

A. I did after I got into the case. The Government files this proceeding of forfeiture and takes away the property. If after the hearing, such as Judge Barnes explained, they find an automobile that was used in connection with violation of the Revenue laws, they take the property away, if they have knowledge, but there

must be proof of knowledge, and proof of the use of the automobile. Then it becomes the property of the United States and is sold.

I stated that the libel here was filed May 26th, 1937. I would not know the exact date the indictment was returned unless I could refresh my recollection.

Mr. McGreal: I will show you our exhibit No. 170, and ask if you know what that is.

A. I will have to look through all this to find the entry. The record appears to be June 1, 1938.

Q. That would be about a few days after the libel suit was filed?

A. That is right.

Q. And in a libel action, as you say, it is necessary for the Government to show what evidence they have of the illegal operation?

A. They will sustain the allegations of their proof.

Q. So if they allege in the pleadings, that there was a still, they would have to prove it?

A. They would have to prove knowledge of it, knowledge of the use for unlawful purposes.

1216 Q. If they prove it at the trial of the criminal case, they are then disclosing evidence, are they not?

A. Certainly.

Q. And what was done in this case?

A. They would have to make proof by a preponderance, whereas, in the criminal case, beyond a reasonable doubt.

They would have to disclose what evidence they have. I represented Rose Vitale. Mr. Kretske sent her to me after the car was seized, she was sent to my office and I was asked to file the necessary libel proceedings, and claim to recover that car.

Q. A still was found on the property where the car was, is that correct?

A. I don't know anything only what was told me.

Q. Well, what was told to you?

A. She said the agents came to execute a warrant. I believe it was the State police. They had found a violation of some kind in the basement of the home, and then they went in the garage and took her automobile, which was a Chrysler, that she used for family purposes. She said there was an old Ford of her husband's there, but they would not take that; she said, "they took my car." I asked her, "Did you own the car?" She said "Yes." I asked her, if she ever used it to haul alcohol and she

said no. I said, "Was any alcohol found in it?" She said no. I said, "It seems I will not have much trouble in recovering that car." So I prepared a claim. You must first file a claim with the Alcohol Tax Unit within twenty days, if the property is worth less than five hundred dollars. When you file that claim and put up a cost bond of \$250, then they have to send the case to the District Court and the District Attorney must file forfeiture proceedings, and then it comes up before the Judge, and we have a trial.

1217 In the Vitale case there was a trial before Judge Barnes. The case was heard on the report. I don't even recall seeing Agent Dowd in the courtroom.

Q. Is that not true, that the case was submitted to the Court on the report?

A. I want to explain—I can't answer it that way.

Q. All right, you can answer it.

A. Mr. Glasser made the opening statement, read the report and submitted it to Judge Barnes.

The Court: Was any witness sworn or testimony taken?

A. No, sir.

The Court: All right.

Mr. McGreal: Q. The car was returned to Mrs. Vitale?

A. I moved for a finding based on the opening statement and report of the agent. I said, "Judge Barnes, if they expect to prove what is in that report, I am entitled to the car." "Is there any proof that there was alcohol in the car," he said. The Judge has a perfect right to direct a finding in favor of the defendant if, on the opening statement, it was found to be just a waste of time to proceed further. Judge Barnes interrogated Mr. Glasser and sustained my motion and ordered the car returned to Mrs. Vitale.

I had another libel case that day before Judge Barnes. I think it was a Chrysler that was involved. Mr. Glasser represented the Government in that case. I won that one, too. Mr. Serriano was the claimant.

Mr. Poust: Now, if your Honor please, I object. We are going off onto a libel case, which the Government introduced no proof on in their direct case. We confined ourselves on the stand to the testimony the Government put in on direct. If we are going off and trying more libel and criminal cases, we will be here all summer.

The Court: This is cross-examination.



1218 The Witness: I beat Mr. Ward on a truckload of sugar, too.

Mr. McGreal: Q. Is that in answer to the last question?

Mr. Ward: Let the record show it.

I represented Joe Serriano the same day.

Q. Who sent you that case?

A. He came to my office directly.

Rose Vitale came to my office on or about the time I filed the answer and claim. She came to my office, 10 North Clark. I think she was with two persons, one was a short, blonde man, an Italian. I know he could not speak English.

Q. Was it Leo Vitale?

A. I would not know him, Mr. McGreal.

Q. Do you know Leo Vitale?

A. I would not know him if I saw him. This man was an Italian.

Q. Did Mr. Kretske call you before they came or did they come with a note?

A. I believe he called or sent someone who brought them.

I received a fee of \$100 in that case. The total fee paid to me was \$100. Mr. Kretske got a portion of that. I gave him a forwarding fee. I saw him many times after that, I don't recall when. I certainly did see him quite often. I believe Mrs. Vitale said that her home was located at Peru. I believe it is along somewhere near LaSalle or Ottawa. I don't know exactly how far it is from Chicago.

Q. At the hearing before Judge Barnes, did you hear Mr. Glasser tell the Court anything about Leo Vitale?

A. Leo Vitale had nothing to do with the case.

Q. Leo Vitale was the husband of Rose Vitale, was he not?

Mr. Poust: I want to object now, your Honor. The only business or the only person he represented is Mrs. 1219 Rose Vitale in the libel case. Why should we be spending time here on her husband's case? Mr. Dowd said he had twenty-six cases or stills, but there is no charge that Mr. Roth ever represented the husband. Why should we be examined on that?

The Court: I think we ought to know everything that transpired before the Court in that particular case.

Mr. Poust: I am certainly willing to go into everything that happened in the court.

The Court: Answer the question.

The Witness: A. I said to Judge Barnes: "It would not make any difference if she was the wife of a boot-legger, they would not have a right to go into the garage and take her automobile. I am not interested in her husband's business."

The Court: Q. What did Mr. Glasser say?

A. He read his report and Judge Barnes read it.

The Court: Miss Reporter, will you please read the last question pertaining to this?

(Whereupon the following question was read by the reporter: "At the hearing before Judge Barnes, did you hear Mr. Glasser tell the Court anything about Leo Vitale?")

The Court: Now, answer that question.

The Witness: A. No, sir.

Mr. McGreal: Q. There was nothing said about Leo Vitale?

A. No, sir.

Q. Did Mr. Glasser at that time and place tell the Court Leo Vitale had been arrested on April 5, 1938 at Leonore, Illinois, at the farm of Charles Meyers?

A. We were not trying Leo Vitale at that time.

Q. Did he?

A. No.

1220 Q. Is that all that was said before the Court?

A. The report was read, Mr. McGreal, and Judge Barnes examined the report and asked a few questions of Mr. Glasser and Mr. Glasser answered.

In all, I guess in the period of sixteen or twenty months, I received a dozen or more cases referred to me by Mr. Kretske. I remember that one case which was with Mr. Ward, on the truckload of sugar.

Q. You have a very good recollection of that, haven't you?

A. That is another libel case.

Q. How many did Mr. Kretske refer to you?

A. About a dozen or more.

One was the Rose Vitale case. He did not refer the Paul Svec case to me. Frank Hodorowicz came in on his own account, but I originally met the brother through Mr. Kretske and Swede Swanson and Clem Dowiat. I met Swanson and Dowiat through Mr. Kretske. We mentioned the Brown case, that is the Duckett case. I would not recall other than the one we discussed. He had nothing to do with that Wroblewski case.

Q. Now, prior to trying that case down in Hammond, you had been down there, too?

A. On one occasion.

Q. And tried a case?

A. Not in Hammond.

Q. The Northern District of Indiana?

A. Yes, sir.

Q. You were familiar with the practice in that district?

A. I am familiar with Federal practice in the United States.

Q. You know a complaint was filed, the case had to be presented?

A. I also know that when there was an indictment returned, you cannot No-Bill anybody.

1221 When it is returned you cannot undo it. Of course, I never tried to undo it. It is impossible. As a matter of law, once an indictment is returned in open court the next move is before that court.

Q. You had no conversation with Alex Campbell about a No-Bill?

A. It is preposterous. I read the indictment before I went down.

I did tell Mr. Campbell I heard that Tom Bailey had been chased out of a court room down South. I heard it from Glasser before I went down. Four or five months prior. I would not recall whether Mr. Glasser was an Assistant United States Attorney at that time.

Q. You say it was four or five months before you went to Indiana?

A. I think it was after.

I went down September the 30th, 1938.

Q. So four or five months before that, Mr. Glasser was still an Assistant United States Attorney?

A. I don't recall.

Q. You had a conversation with Mr. Glasser about Tom Bailey being chased out of a court room down South?

A. I believe it was,—it is hard to fix. He was around talking to so many people, to witnesses, and he talked to Mr. Horton, and a lot of clients. It was the gossip all over town.

Q. You mean Mr. Bailey—

The Court: Let's go back to this question.

Will the reporter please read the last question?

(Question read as requested.)

The Court: When did Mr. Glasser tell you that? You

said it was four or five months before you went to Indiana?

A. I don't want to fix the time.

Q. Well, why don't you say so?

A. I would not like to fix the time, Judge.

*Cross-Examination by Mr. McGreal (Resumed).*

I would not recall where that conversation took place. I could not say it was in this building. I don't think it was in Mr. Glasser's office.

*Examination by the Court.*

I do know that Mr. Glasser told me that, but I don't know where or when.

Mr. McGreal: Q. Did he tell you at that time that Mr. Bailey was a Government officer?

A. Well, I assumed that, I had seen him around a couple of years and knew that.

I knew he was a Government officer. I saw him and talked to him several times. I might have had a conversation with him, wherein I stated that Clem Dowiat was a boy on the farm and did not know he was indicted. They might have told me, that, I can't recall.

The Court: The question is, did you have that conversation with Mr. Bailey?

A. I wouldn't know.

The Court: Well, just say so, then.

Mr. McGreal: Q. Did Mr. Bailey tell you at that time that Clem Dowiat was working at Frank Hodorowicz' hardware store?

A. He might have.

Q. Did he also tell you that if you asked for a continuance on that account he would tell the court the truth? Did he or not?

A. No, I would like to explain. There is no discussion when a case comes up for plea and arraignment.

Q. Did you have that conversation with Tom Bailey?

A. No, sir, it is preposterous—and—

I did have a conversation with Alex Campbell. I never said that there was a Federal Judge in Chicago who was going to get Tom Bailey's job. I recall that one of the Wroblewskis came to my office after the Wroblewski case was disposed of and while it was pending on appeal.

A. Which Wroblewski?

Q. Edward or William?

1223 A. Yes, fix the time and place, please.

Q. You fix the time and place. You had the conversation.

A. I don't know what day you are referring to.

Q. Did you have any conversation where you told them not to go to the office of the Federal Bureau of Identification?

A. I tell them, I always tell them, never to go to the Government's agent and make statements unless they have a lawyer there. I tell all my clients that.

Q. Did you have a conversation with the Wroblewskis, where you told them not to go to the office of the Federal Bureau of Identification?

A. Why, certainly.

The Court: All right, that is enough.

Mr. Foust: He has answered.

The Court: He has a lot of last answers.

The Witness: I like to show the practice.

The Court: Never mind.

Mr. Poust: He is a lawyer and likes to talk.

The Court: That does not give him any more privilege than anybody else on the stand.

Mr. McGreal: He is talking, all right.

The Witness: I am sorry.

The Court: Never mind.

Mr. Kretske sent Dewes to me after he was indicted in the case of the United States *versus* Dewes, Raubunas and Beisner. I received a fee of \$50.00, as I told you before. I received this from Mr. Kretske.

Q. That was in case 31201?

A. Consolidated with the other for trial.

1224 I don't know how far the Keenan Hotel is from the Federal Building in Ft. Wayne, three or four or five blocks. The street is kind of jagged. I am sure it is not one block, positive. On September 30th, when I had the first conference with Alex Campbell I went downstairs in the Federal Building.

Q. After the conference was terminated?

A. I left the building, certainly.

As I was coming out, he was almost right behind. I was looking which direction to take and he came out right after. I was in a hurry to get to my wife. There is some steps in front of the Federal Building. I can't recall if

there is grass and shrubbery. The weather was a very typical fall evening, I think it was a nice day. I did not make a remark to Mr. Campbell about the weather. I told him I was in a hurry to get to the hotel, that my wife was waiting and I better get home. Ten or fifteen minutes passed from the time of the conference until I met him downstairs.

*Redirect Examination by Mr. Poust.*

Q. Now, Mr. Roth, some time back here, you were trying to explain about the Wroblewski matter. Now, you can explain it.

A. The reason I adopted a different theory of that case and did not choose to follow 259 Federal,—you might read that, Mr. McGreal—and—

Mr. McGreal: I did not get the remark of the witness.

The Witness: I suggest that you read the 259 Federal.

Mr. McGreal: I suggest that you read it again.

A. I decided there was a very important Constitutional question involved and I was very sure I could win in the upper court, because two of our Federal Judges here had sustained a similar proposition. The affidavit for the search warrant did not particularly describe the things to be seized, in accordance with the Constitutional requirements.

1225 I filed a petition to suppress the evidence and was overruled. I knew if I was successful in suppressing the evidence, I would be almost certain of a reversal in the Upper Court. It was my theory that if William Wroblewski testified that he had been punished and it had no relation to the conspiracy—

Mr. Ward: What is the question pending?

A. I was explaining what you asked me.

The Court: And now he is going off on another tangent.

The Court: The Jury might be interested in knowing what the usual charge is for a day or services of an attorney in Chicago.

Mr. Poust: All right. Answer that question.

The Witness. A. I would say a reasonable fee would be from seventy-five dollars to one hundred dollars a day; two hundred and fifty dollars to five hundred dollars per case.

Q. I will ask you to look at two indictments, United



States of America *versus* Harry Duckatt, alias Harry Brown, and others, No. 31193 and 31449, and find the overt acts in there, which you showed to Mr. Duckett or read to him, or which he read over your shoulder on this day in question?

The Witness: A. I am now looking at Indictment 31449, Exhibit No. — there is no exhibit number on here.

Q. You have a copy here.

A. 195.

Q. Here is 196.

A. When I was examining the last count in the indictment, which is a conspiracy count, and we were reading the various acts alleged as having been committed in the conspiracy, we referred to overt act 6, which reads, "On to-wit, April 15, 1938, at to-wit, Chicago, Illinois, Art Stern drove a certain truck bearing ——— (Reading) he said "It looks like they were following me while I was following that truck."

1226 Q. Have you now explained that?

A. That is right, yes, sir.

Mr. Poust: By stipulation, may Nos. 195 and 196, copies in lieu of the originals, be received in evidence?

The Court: They may be admitted.

(Whereupon copies of the indictment, No. 31193 and 31449, United States of America *versus* Harry Duckett, alias Harry Brown and others, marked, respectively, "DEFENDANT ROTH'S EXHIBITS, NOS. 195 and 196," were offered and received in evidence and made a part of the record herein.)

Mr. Poust: Q. Now, Mr. Roth, is there anything about this Jurich libel case that you have not fully explained?

A. Yes, sir.

Q. Go ahead and explain.

A. I did represent Jursich in the criminal case. The indictment was returned, and when the indictment was returned I filed an appearance. The forfeiture was pending in the Circuit Court of Appeals, and I filed a plea which is labeled *res adjudicata*. I claimed you cannot take a man's farm, first punish him by forfeiture and then by imprisonment. I claim he was tried for the alleged acts in the civil case.

Judge Sullivan continued the plea from time to time, pending the outcome of the case in the Circuit Court of Appeals; and when that was decided in my favor, the Government indicated they might take it to the United

States Supreme Court and wanted to take it up with the Solicitor General's office at Washington. Judge Sullivan kept continuing it, and subsequently I withdrew from the case. However, Mr. Hess followed me and represented Jursich and he received probation. That covers everything on the Jursich libel case and the criminal case.

It was a pretty large distillery on the Jursich farm. 1227 Mr. Glasser returned the indictment. I raised that plea of *res adjudicata* while he was in office and the case was completed by Mr. Ward.

Q. All right. Now, with reference to this other libel case that you handled on the same day, with the Vitale case here before Judge Barnes, was that the case of the United States *versus* one Plymouth Sedan?

A. Yes, sir.

The claimant was Mr. Serriano. He was my client. Mr. Glasser represented the Government.

Q. Tell us what happened before Judge Barnes in that case?

A. The report was read, Mr. Glasser stated what he expected to prove, and that case was worse than the other one. They took the car off the street without any alcohol in it or any claim that there was alcohol in it. The facts were, some agent had a man arrested in a home where alcohol was being sold in small quantities. They saw a man drive up in a car, he got out of the car, and they went over and seized the car when they made the arrest in the home. That was the most flagrant violation I ever encountered.

I have told everything that happened before Judge Barnes, I was awarded the car that day, the same day as the Vitale case. It seems Judge Barnes set all his libel cases that day. I did try another libel case entitled U. S. *vs.*—one International truck, that was truck load of sugar, in this courtroom, against Mr. Ward.

Mr. Ward: Of course, your Honor, this is objectionable. As long as he mentions my name, I am willink to hear about it, but it is not in this case. That is the reason I am objecting to it.

Mr. Poust: It will take about two minutes. I want to show it was handled the same way.

The Witness: A. Mr. Ward read off his report, and I said, "Judge, on the report you have here, I move for a finding for the claimant." Mr. Ward said, "I don't think much of the case, either." Mr. Ritter said, "We have

information that we followed this truck for some 1228 distance." The Judge said, "Since when did they change the hearsay rule?" And the same thing happened.

*Recross Examination by Mr. Ward.*

Q. Now, that last statement—

A. There was nothing irregular or improper.

Q. That last statement of yours is about 100 per cent correct, there was no dispute about it, was there?

A. There was nothing improper about it.

Q. Directing your attention back to this Vitale case that Judge Barnes testified about, the same case, you know the one?

A. Yes, sir.

Q. Your client, Rose Vitale, appeared before you as Notary Public?

A. Yes, sir. No doubt—

Q. Just answer the question. You notarized the papers.

A. Yes, sir. That is necessary.

Q. And you also examined the libel?

A. You don't—

Q. Just answer the question, please. If you did not—

Mr. Poust: I have an objection.

The Court: Well, make it.

Mr. Poust: Mr. McGreal has cross-examined this witness on the Vitale case.

The Court: He did.

Mr. Poust: I did not go back on the Vitale case again. They are changing cross-examiners, which is a violation of the rule, and going back on the Vitale case.

Mr. McGreal: May I answer that, your Honor?

The Court: You won't need to. Objection overruled. Proceed.

1229 Mr. Ward: Q. You stated that you were an expert on Federal practice and procedure, is that right?

A. I think.

I did not say I know the law in every district of the United States. I know what you mean by this libel. I received a copy. I would not recollect what the allegations were in that libel. It was under the statute attempting the forfeiture of a car. I have not looked at this libel since my indictment was returned in September of 1939?

A. No, I just saw—

Q. You have answered. Before going over to try this case before Judge Barnes, did you have any idea what the evidence was that the Government was in possession of?

A. One thing—

Q. Just answer my question.

A. What Mrs. Vitale told me.

Q. Did Mrs. Vitale tell you there was a still found in the basement of her home—wait until I get through—in the basement of her home, almost directly under the kitchen which she occupied day after day; and that in addition to that, the garage in which this automobile was found, was closely adjacent to the house, not more than fifteen inches? Did she tell you that alcohol agents had followed this car and see the license numbers changed and the car used for the transportation of untaxpaid alcohol?

A. No, sir.

I did not hear Mr. Glasser tell Judge Barnes that. I do know Mr. Ritter, I believe he is in charge of the agents.

Q. Did you see Mr. Ritter in the court room there?

A. There were several persons, I don't know who they were.

I do not recall seeing Mr. Ritter talk to Mr. Glasser at that time before Judge Barnes made his decision.

1230 Q. Now, on the libel case, you told this jury what you understood about law of libel. Now, do you know that there are certain conditions or certain statements of fact which must appear in the libel in order to complete the proof? Do you know that?

Mr. Poust: Objection. We are on trial for being a conspirator, not for being a lawyer. I object to spending a lot of time examining him on his legal knowledge. I don't see the materiality.

Mr. Ward: He has qualified himself.

The Court: Yes.

Mr. Poust: I will enter him in a contest with—

The Court: Objection overruled.

The Witness: A. A pleading must state ultimate facts, not evidentiary.

Mr. Ward: Yes.

Q. And if the pleadings don't fit the proof, the Judge has to give you a judgment on the ground of variance, doesn't he? Yes or no?

A. Yes.

Q. And if the pleading in the Vitale case that Judge Barnes decided and returned the car on, did not fit the proof that was in the possession of the Government, it would not have made any difference what the Government showed, is that right? Yes or no.

A. He would have a right to amend the pleading.

Q. He would have a right to amend the pleading?

A. That is right.

Q. Did you hear Mr. Glasser at any time ask leave of Judge Barnes to amend the pleading in the Vitale libel case?

A. He did not.

1231      *Redirect Examination by Mr. Poust.*

Q. Did Mr. Ward ask leave to amend the pleadings in the truckload of sugar case? Yes or no?

A. No, sir; he did not.

(Witness excused.)

ALFAR M. EBERHARDT was called as a witness on behalf of the defendant Kretske, having been first duly sworn, was examined, and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Alfar M. Eberhardt. My residence is 1038 Sheridan Road, Chicago. I am a son of Judge Eberhardt and also a Judge myself. I was Assistant Attorney General of the State of Illinois prior to election as Judge of the Municipal Court. I held that position three and a half years. I have served on the bench here eight years. I know the defendant, Norton I. Kretske. I have known the Kretske family for possibly three years. I was born and raised in the same neighborhood in which they live now, about a mile from where they live. I know other people who know him and have mutual friends in the neighborhood. In that way, I have learned his general reputation for honesty and integrity and a law-abiding citizen. It is good.

*Cross-Examination by Mr. Ward.*

I have finished my term of office in the Municipal Court in 1932, and have been practicing law since.

Mr. Stewart: How long have you practiced?

A. Over twenty-five years.

(Witness excused.)

1232 ELSIE BLANKENBERG was called as a witness on behalf of the defendant Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Elsie Blankenberg. I reside at 7 So. Central Park. I am an X-Ray technician. I am connected with Henrotin Hospital. I have been engaged in that work about fifteen years. I received my education for the line of work I am in at Henrotin Hospital and the University Hospital. I have had considerable experience in the taking of X-Rays. I did take an X-Ray of the patient Joseph Cole. I brought the X-Ray film and the records, and the hospital records also.

Mr. Stewart: I will ask that the entire group be marked with the next number.

(Films marked Defendants' Exhibit No. 188.)

Mr. Stewart: And the hospital record, mark it Exhibit Number 189.

(Documents so marked.)

Mr. Stewart: I will offer these, your Honor, and I will follow it up with the Doctor. That will be all. Do you want to cross-examine?

(Whereupon the films marked EXHIBIT NO. 188 and the hospital record, marked EXHIBIT NO. 189, were offered and received in evidence as Defendant Glasser's Exhibits, and made a part of the record herein.)

Mr. Ward: Well, I don't know when these were taken.

Mr. Stewart: Well, ask her.

Mr. Ward: Well, you have not asked her. They may have been taken 20 years ago, for all I know. If I saw the date on it—

The Witness: 1937.



The Court: Did you take the pictures?

1233 A. Yes, sir.

Q. When?

A. It appears on the films. I don't just recall, it was in 1937.

Q. What?

A. I don't recall the date offhand. It is on the films, it was in 1937, I know the year.

(Witness examines films.)

May 18, 1937.

*Cross-Examination by Mr. Ward.*

Of course I don't recall the patients that come into our hospital.

Q. They come in and you take their pictures, and away they go, and that is all you remember?

A. Some are returned.

Unless it is some extraordinary or unusual case I do not have any reason to remember it. The name on this envelope is not in my handwriting. That is just a girl we have who is doing some office work now. We just took the films--Mr. Cole had a mastoid. No, it is not in my handwriting. I have the date on the film, 5/18/37. That is our method of putting the date on the film. There are six views of the object that we were picturing. There are different views of the skull.

(Witness excused.)

DR. ABRAHAM ETTELSON was called as a witness on behalf of the Defendant Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Abraham Ettelson. I live at 823 Guernsey Street. I am a physician and surgeon, licensed under the laws of Illinois. I was admitted in 1925. I received my education at the University of Illinois Medical School. I am a graduate of that institution. I did post graduate work at the Research Educational Hospital of the University of Illinois. I am now connected with the staff of hospitals, Mt. Sinai Hospital is one of them, here in Chicago. I am on the staff of the

Illinois Masonic Hospital and the Edgewater Hospital. I have specialized in the branch of Neurological Consultant and Surgery.

Q. And you are qualified by education, training and experience?

Mr. Ward: We will admit that he is.

Mr. Stewart: Q. Doctor, will you examine the X-Ray plates which have been introduced here, as a matter of fact, you have examined them before, haven't you?

A. Yes, sir.

Q. And you are familiar with them?

Mr. Ward: We will admit the Doctor is also qualified to examine X-Ray plates.

Mr. Stewart: All right, we will shorten it a good deal, and get right down to it.

Q. Just sum up for the Court and Jury what you find in those plates, without going into a great deal of medical detail, just tell us in substance what the plates show.

Mr. Ward: Just a minute, I have admitted the qualifications of the Doctor, and I have admitted that he is a competent man to diagnose and tell what these X-Ray films portray, but that is as far as I have gone in my admission.

Mr. Stewart: And how much further do you need go?

The Court: Have you ever examined the patient?

A. I never saw the patient.

Q. All you can tell us is what you observe in those films?

A. That is right.

The Court: All right, go ahead.

Mr. Stewart: All right, proceed.

1235 The Witness: A. This is a lateral view, the film of the skull which shows—you will have to take my word for it, for in the absence of a shadow box this is not the best way to look at a film, because of the light, the light is not good,—but it shows several slugs, gun shot wounds in the head, with several slugs located in various parts toward the base of the skull, and many, many small fragments of lead, of slugs, throughout the frontal area of the skull. That is the lateral view.

Now, we have here the frontal view with the face down, and that also shows the slugs that I mentioned, and a small one up on top of the skull, which apparently is invisible in the lateral view, and also on one side here

(indicating), one very superficial slug which seems to be in the soft tissue.

Now, we have two small views on the same film here. This is taken mostly for the mastoid, as I can see it, because the ear is visible in both plates, and that also shows many small fragments peppered in the base of the skull. And this is a view—these are two views, in fact, which I am sorry we don't have a shadow box here to show.

I looked at it through a shadow box. It is much better. I am familiar with that, and this again shows at the base of the skull many small fragments of foreign bodies, and then this superficial one here in the soft tissue. I have before this time examined and studied that report. Exhibit No. 189.

Mr. Ward: Just a minute. I object to that, if Your Honor please, to any report, unless we know—

The Court: He can state whether he examined it, and that is as far as he can go at the present time.

Mr. Stewart: Now, Doctor, have you an opinion based upon your examination of those X-Ray plates—

Mr. Ward: Just hold this answer, Doctor, and give me a chance to object.

The Witness: I will.

1236 Mr. Stewart: —as to what might result from the condition you see from the plates.

Mr. Ward: I object to that, if your Honor please.

The Court: Sustained.

Mr. Stewart: Well, Doctor, as an expert, and having examined the case and history from the records of the hospital, are you able to diagnose the person who is the subject of those plates and records?

Mr. Ward: I object to that; it is immaterial.

The Court: Let this doctor go out and examine the patient, if he wants to testify as to the patient. I am not going to permit him to form an opinion from examination made by somebody else and upon these X-Rays. Objection sustained.

Mr. Stewart: Well, I will make my offer, if I may, please.

Mr. Ward: I object to any offer being made.

The Court: You may make the offer in the absence of the Jury.

Mr. Stewart: I will do it later, so I won't interrupt

the trial. I will withdraw the witness for the time, in view of the Court's ruling.

Mr. Ward: Your Honor, what I started out to say, and didn't intend to interrupt him at the time—Your Honor, I reserve the right to move to strike out all of this. Are you going to withhold your ruling?

The Court: I will strike on Motion at any time.

(Witness excused.)

1237 CHARLES M. ROBSON, called as a witness on behalf of the Defendant Roth, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Poust.*

My name is Charles M. Robson. I reside in Joliet, Illinois. I am an attorney at law since 1929. At present I am associated with Raymond Faulkner. In 1932 to 1936 I was associated with William McCabe. At that time Mr. McCabe was States Attorney of Will County. I am acquainted with the defendant, Alfred E. Roth. I was acquainted with him during those years that I was associated with States Attorney McCabe. During those years, 1933 to date, Mr. McCabe, and I had occasion to refer Federal Court cases that we were handling to Mr. Roth. That has been on several occasions.

*Cross-Examination by Mr. Ward.*

It was in the early part of 1933 that we referred the first case to Mr. Roth.

Q. And do you recall what kind of a case that was?

A. That was a contest.

Q. Just a minute. Criminal case?

A. No, civil case, bankruptcy matter that was contested.

The last time I referred a case to him was about a year and a half or two years ago. It was not a criminal case. That was a civil matter.

(Witness excused.)

IRWIN CLORFENE, was called as a witness on behalf of the Defendant Roth, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Poust.*

1238 My name is Irwin Clorfene. I reside at 3857 Van Buren Street. I am an attorney by profession. I do hold an office of honor and trust in this county and state. I am an Assistant State's Attorney of Cook County, and have been a little over seven years. I am acquainted with Alfred E. Roth, one of the defendants here. I have had occasion to refer a Federal Court matter to Mr. Roth. That is correct, it was before I became Assistant State's Attorney.

Mr. Ward: No cross-examination.

(Witness excused.)

MICHAEL L. IGOE, called as a witness on behalf of the defendants, Glasser and Kretske, having been first duly sworn, was examined, and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Michael L. Igoe. My residence is Chicago, Illinois. I have been a member of the bar thirty-two years. I now hold the position of Judge of the United States District Court of the Northern District of Illinois. Before that I did hold other offices of trust in this community. Before my present position I was United States Attorney for this District. Before that I was a Congressman-at-Large representing the entire State of Illinois. Before that for sixteen years I was member of the Illinois Legislature and other times I was a member of the Board of South Park Commissioners. During the time that I was District Attorney I had Daniel Glasser, the defendant, as one of my assistants. He did work under my supervision, he was in the office when I was appointed, and he was in the office when I left.

Q. Now, I want to call your attention to a prosecution which has been mentioned here concerning the Hodorowicz brothers, do you remember having a discussion concerning that case with your assistant Mr. Glasser?

1239 A. Very well.

I have seen Exhibit 160 before. This was brought to my office one day with an agent named Bailey, I think was one of the agents, and Glasser. I don't know whether anyone else was present or not. There was a conversation had at that time concerning the possible presentation of that conspiracy case to the Grand Jury. I remember the agent came in accompanied by Glasser. I think Glasser telephoned to me and told me he had the agent in his office and wanted to know if he could bring him around to the front office, and I told him to come around. They brought this report in and they discussed it, they mentioned the name of Hodorowicz and I said to Glasser in the presence of these other people, I said, "That is the same crowd we have been trying to capture for several years out here in Roseland." Now I said, this is rather a voluminous report and to me it looks like it is typical of many of the reports the alcohol agents bring over here, for they attempt to bring in a lot of small fries, minor actors of a thing, if they can find a case against the real offenders, these are the people we are going after. I said I want some time to go over this report, I will go over it with you, and if there is some evidence in this report which indicates they are trying to make a real case against the Hodorowiczes instead of the typical cases where they bring in a lot of minor figures, we will present that case to the Grand Jury with all the force we have here present and have the Grand Jury bring in indictments, I am quite sure you can get a conviction. I later had a conversation with my assistant, Mr. Glasser, concerning that report.

Q. And, directing your attention to a conversation, did you ask Mr. Glasser if he had any substantive case against the ring leaders?

A. Glasser told me he was going to make a substantive case, that means a real case, against the real actors, against these men, not merely one of these conspiracies where they try to go out and use a catch to try to bring in all the neighbors in the neighborhood and, told me he was working on a real case for violation, a substantial case where, in the event of conviction, he could get a real sentence and not as in the conspiracy case, a sentence which is only two years. He told me he was working along that line and he said I think it is the proper way to work on if you can get them, can get evidence,



that kind of evidence, it is the kind to present to the Grand Jury and that is the kind of case to take to trial.

He told me he did have a case against the Hodorowicz, who were the leaders. That case was prosecuted, I don't know whether before I left or afterwards, but about that time. I do know that there was a conviction and substantial sentences were imposed, I believe by Judge Woodward.

Q. And after these conferences with your assistant and going over that report I just handed to you, did you finally conclude as to what would be done?

The Court: Just let me call this to the Judge's attention. I wondered if this report was in here, Judge, (indicating) I was just wondering.

The Witness: That is the only thing they do over there, they bring you back a lot of reports—

The Court: That is the one I mean (indicating). I wondered if you ever saw this report (indicating)?

A. I am quite sure this is the one, it is dated April 21, 1938. I am quite sure that is the report which involved the Hodorowicz.

And it involved a lot of these other people out in that particular neighborhood. I know all the years we were upstairs we were after the Hodorowicz people.

Insofar as I know the conspiracy matter that is involved in that report was never presented to the Grand Jury.

Q. And what were your directions to your assistant concerning the presentation of that?

1241 A. My directions to Mr. Glasser were that if he had some real evidence involving the violations of substantive laws wherein the Hodorowicz would be involved and could be convicted, those were the cases to follow out because I had seen so many cases preceded the investigation involving the Hodorowicz go up in smoke, that when a real case had the particular parties present I wanted it presented in a proper fashion.

Q. And what were your instructions in reference to this so-called conspiracy case as far as the Grand Jury case was concerned?

A. My instruction to Mr. Glasser was to present that case to the Grand Jury if he saw fit.

Q. And now directing your attention to another group of law violators who have been referred here in evidence as the Spring Grove case, wherein Mr. Glasser was pre-

senting the matter to the Grand Jury concerning Kaplan, and Dewes and Raubunas, and a man named Cole, and man named Pregonzer, do you remember Mr. Glasser discussing that case with you from time to time?

A. I don't remember the name Spring Grove, I don't remember Kaplan. I do remember Cole. Cole as I remember it was a man brought in before the Grand Jury, he told one story and the Grand Jury was not satisfied with it and they brought him back and he told a different story, and I think he told two or three different stories, and finally Mr. Glasser came in and reported to me that he thought the man was mentally unbalanced, and then he had him checked up and I think he brought back then a record and a report which indicated either the man had been shot or he had been in an accident, anyhow he had sustained some kind of injury to his brain, and he was so thoroughly unreliable and undependable that we couldn't use him as a witness.

Q. And, Judge, did Mr. Glasser report anything else to you concerning what the agent had told and what 1242 he expected to get and what he finally got in the way of evidence?

A. Glasser told me in that case as he told me in many other cases that the agent would tell him one thing and the witnesses would tell him something quite different; and in this particular case, as I remember it in connection with the name of Kaplan; he insisted that he wanted a stenographer before the Grand Jury so that in the event that the indictment was returned and that witnesses sought to run out on the testimony given before the Grand Jury, he could then confront them with the stenographic transcript of what had occurred in the Grand Jury room.

He did request my permission to have such a stenographer, and I told the Chief Clerk to arrange for it, and as that hearing before the Grand Jury progressed from time to time Mr. Glasser did take up with me and report to me what was going on in the Grand Jury room. I think he told me one of the witnesses the agents promised him would testify, refused to sign an immunity waiver, I have forgotten the name of that man, and there were a couple of other witnesses who before the Grand Jury testified directly opposite to what the agents told Glasser they would testify to. And as a result he did tell me that probably the Grand Jury would No-Bill some of the people that were involved. I told him that that was the func-

tion of the Grand Jury, they had the absolute power and the complete authority to either No Bill or True Bill the persons—these matters were investigated by them and whatever the action of the Grand Jury was we would have to be bound by it.

Q. Now going back to the year 1935, do you remember the prosecution involving a still where there was a defendant named Workman and which involved a large number of other defendants?

A. Oh, I have a sort of a hazy recollection of the name Workman. I think that matter was brought to my attention by one of the Assistant District attorneys in charge of this case who wanted to know if I remembered the case, and I told him I had a hazy, insistent recollection of it, that is what I told him at the time. You have since asked me about it and some facts have come back to my memory as to what that case was about. As I remember it Workman was charged with maintaining and operating a still I think over on the West Side. It is one of the cases which came into the office soon after I became United States Attorney and I think involved with Workman in a long, voluminous indictment where many individuals, some of which were charged with selling sugar, some charged with selling syrup, some charged with selling cans, some charged with selling machinery that went into the still, and many other charges brought against individuals, many of them connected with very reputable concerns in Chicago who had sold different parts of machinery which went into the make-up of that still. I think there must have been thirty or thirty-five defendants.

Q. And as District Attorney, did you see the various lawyers who called on you representing the various defendants in that case?

A. I remember distinctly some very reputable lawyers came to me.

Q. From time to time did these various lawyers who called on you request that the indictment be dismissed as against their particular clients?

A. I think I remember twenty or twenty-five different incidents of reputable lawyers that came into me and consulted me about that case and insisted that while their clients had perhaps sold some of the machinery that went into the still or the set-up of that still they had no criminal knowledge of anything in connection with or the op-

eration of the still, and therefore they did not think they had ought to come in or be compelled to come in and defend a charge of conspiracy against them, and many of the persons were dismissed out of the case.

I did discuss the matter with my assistant, Mr. Glasser, before they were dismissed. They were dismissed after our conference and with my approval and my consent.

1244 Q. Now as a matter of fact, Judge, from your previous experience in various offices, you knew what was going on in your own office didn't you?

A. I think I did.

Q. And you had a system whereby the various orders entered in the courts were reported to you and laid on your desk each day?

A. Every night we had a report of every order that was entered in any court in the building in any case involving the matters in which the Government was interested, and each morning I would know the different matters to be presented to the Grand Jury.

The various actions of my assistant, Mr. Glasser, were taken up with me by him and discussed with me, and I knew all the orders that were rendered either before or shortly after they were rendered, and they had my approval. These reports that came into my office from time to time from the alcohol tax agents were from time to time submitted to me by Mr. Glasser, Mr. Glasser and I often discussed them.

Q. And what was your function as District Attorney, what did you have to decide when those reports were submitted?

A. I had the final decision of the matter.

Q. As to what?

A. As to whether we would present a matter to the Grand Jury or whether we would withhold it from the Grand Jury. Whether we would prosecute the case, or whether we wouldn't.

Q. Will you tell this Court and Jury some of the things that you took into consideration in analyzing the various reports?

A. Well, about the only intelligent way an answer to that question can be made is to give a brief summary in the manner in which these cases came to our office. Soon after my appointment as United States Attorney I became convinced that the Alcohol Tax Unit was not looking after the big operations—They were looking for the

little people, and they constantly flooded our office  
1245 with the small factory people who were cooks, or  
people who rented some old store or such. They  
never would bring in the individual who really operated  
the still.

Mr. Ward: I object to the statement, if Your Honor  
please, and move that that answer be stricken as not be-  
ing of any probative value in this case, not tending to  
prove or disprove any of the allegations in this indict-  
ment.

Mr. Stewart: I can follow that up, Your Honor.

Mr. Ward: I make my objection to this.

The Court: Objection sustained.

Mr. Ward: I move the answer be stricken.

The Court: That much of it may stand. I have to de-  
termine that you are getting away from the main issues  
in this trial.

Mr. Stewart: Your Honor, all I seek to show is that  
these reports were discussed between the District Attor-  
ney and his Assistants, and they used their judgment, and  
I want the witness to tell me, if he will, please, some of  
the things that they took into consideration.

The Court: I think he covered that.

Mr. Stewart: He has not fully covered it, Your Honor.  
I don't believe he has finished his answer.

The Witness: A. Well, the main thing I took into con-  
sideration was whether the report indicated they were  
looking for somebody forth while or just some casual.

Mr. Stewart: Q. And in those cases where you decided  
not to present evidence to the Grand Jury, will you give  
this Court and Jury the discussion you had with your  
assistants, if any, concerning the reasons that you had  
in your mind?

Mr. Ward: Same objection, Your Honor.

The Court: Sustained. If you want to take the case,  
and call the Judge's attention to it—

Mr. Ward: I have no objection where he takes a  
1246 particular case, Your Honor.

The Court: What is that?

Mr. Ward: I have no objection, if Mr. Stewart takes  
a particular case.

The Court: It is a pretty big order to ask the witness  
to answer that question.

Mr. Stewart: Q. Well, I will ask you, Judge Igoe, can  
you give us the names from your memory, of any par-

ticular cases where these discussions were held with your Assistants concerning this report.

A. I can't give you the name of the defendants, but I can give you the reference to the case.

Q. Well, do that the best you can, please.

A. It involved an investigation made by the Alcohol Tax Unit. The report was submitted to our office, I think it must have been two feet high, involving about 30 or 40 or 50 people. Mr. Glasser went through the report, and he said he thought there were just a few people involved, that they were bringing in a lot of minor figures. I went through the report and came to the same conclusion. The Alcohol Tax Unit took the matter up with the Treasury Department. The Treasury Department took the matter up with the Attorney General at Washington. They sent a Special Assistant Attorney General out here.

I turned the file over to him, and I said, "Here is a room. You go through this whole file. We will take this case completely out of Mr. Glasser's hands. We will give it to another Assistant."

So he went over the whole thing with another Assistant in our office, and out of the 30, 40 or 50 people, I think wanted the indictment of five or six, those indictments were brought into Court before Judge Wilkerson, by an Assistant, I was with him. I think as the result of all of it, two or three at that time, who were imprisoned, for other violations of the Alcohol Tax Law, were brought 1247 into this Court and given sentences here, to run concurrently, with their other sentences. Two or three of the other minor figures were found serving over in the Penal Farm at Milan, Michigan. They are typical cases from the alcohol tax unit. And that was a case where we tried to separate the financial figures from the minor figures; and they were not satisfied with our action. It went all the way to the Treasury Department, to the Attorney General, for all this purpose and the special investigator came out from Washington to handle it with a man other than Glasser in the courtroom.

Q. Directing your attention to another specific case, do you remember, did Judge Barnes ever inform you of what happened in his Court concerning the agent?

A. Yes, sir.

He told me very distinctly what happened. It was a case before Judge Barnes, and I think it involved some branch of the Hodorowicz outfit, and the attorney for the



defense tried to say something to Glasser and Glasser said "Well now, tell it to the Judge," so they went in the Judge's chambers, and I think the attorney there told the Judge in the presence of Glasser that this case was supposed to be fixed, and Glasser said, "Well, you tell that to the Judge, I don't know anything about fixing cases." So the upshot of it all was that Judge Barnes sent somebody from the Alcohol Tax outfit to come over there and explain the action of the agents in this case. And they made some sort of excuse, and their final story was the agent was inefficient, that they had discharged him, and as soon as I heard that I caused a Grand Jury subpoena to be issued for Mr. Yellowley, to bring him over and explain to the Grand Jury what was wrong with his agent, and why he had been discharged. That Grand Jury subpoena was issued about 11:00 o'clock in the morning and the jury was to convene at two, and before two o'clock the assistant to the Attorney General called me up from Washington and told me that the Secretary of the 1248 Treasury didn't want Mr. Yellowley to testify before the Grand Jury.

It was not part of my duties, while I was District Attorney, to do police work, and it was not any part of my duty to hunt out stills that were operating in order to raid them.

Q. And what was the practice with reference to prosecutions of alcohol violations, when did your office come into the picture?

A. When a report was made in writing from the Alcohol Tax Unit. We did have anonymous communications come in from time to time and we referred them to that Unit.

I remember there was a case that came in that way, through an anonymous report, that I took up with Mr. Glasser, took it up with Mr. Glasser and with the United States Marshal for this District, and with the Alcohol Tax Unit. An anonymous letter came into our office in which it was stated a large still was in operation in the vicinity of 16th Street and Ashland Avenue, I think over in that neighborhood, anyhow, 16th or 17th Street, and stated who was running a still, stated who might be involved in it. Stated also the matter had been brought to the attention of the Alcohol Tax Unit and that no action had been taken, although it had been brought to their attention more than three weeks before. At that moment the

United States Marshal came in and told me he had a similar letter. We then decided that we would make a demand upon the Alcohol Tax Unit to send an agent that we wanted to go out and investigate a case without telling him what the case was. They finally sent that agent over. We gave him that information. He went out to the west side and stationed himself in an alley across from where this still was in operation and there observed the operation of the still, saw the figures around there, saw the machinery moving and stayed there for two or three days, and finally traced a load of alcohol that was taken out of that still down to Halsted Street, and he finally ran the machine loaded with alcohol and its occupants into the curb around 14th Street and Halsted 1249 and there he discovered a Chicago Policeman and one or two other persons and he arrested them, and they finally brought them all into court, they were tried before Judge Barnes and I think the minimum sentence given was five years. I then sent for the Alcohol Tax Unit and I said to them: "Why didn't you investigate this case?" and they said: "Why we have a report over there showing every anonymous communication we got concerning the still." I said: "Is this report in?" And a man here in the office, he said: "I will go back and get my report." And I said: "No, you won't, you will stay here and send over and get your report."

So he sent over and they brought the book in the office, and there in the book was the record of this complaint that had been made concerning that still. That agent was assigned to our office until I went out of office, and as soon as I left the office of the United States Attorney they transferred him to Cleveland, although his wife and family lived here in Chicago and he is over there.

His name is Bryce Armstrong.

Q. Well, did these matters cause a friction between your office, particularly Mr. Glasser and yourself and these agents?

A. There was constant friction there. The result of it was two-thirds of the agents were transferred out of Chicago.

Q. And as a result of these various investigations—

Mr. Ward: Just a minute, your Honor. I want to make an objection to this line of testimony and again move that it be stricken because it does not tend to throw any

light on the cases we are trying here and it is an attempt to inject into this case a collateral issue.

The Court: I will let the testimony stand but don't pursue that line of testimony any further.

Mr. Stewart: It just comes to about its culmination, your Honor, if I may—

Q. As a result of that, Judge, did you and Mr. Glasser prepare citation proceedings against Mr. Yellowley?

Mr. Ward: I object to that, if your Honor please.

1250 The Court: Objection sustained.

Mr. Stewart: Q. Well, that is one of the things I told the Jury we were going to prove and I don't want to proceed if your Honor rules that is not admissible. Does your Honor rule I can't go into the prosecution?

The Court: Why is some separate act against Mr. Yellowley material?

Mr. Stewart: Because we will follow that up; Mr. Glasser will testify that Mr. Yellowley as the cause of that said:

"I will get you, and that this indictment were are now trying is the result of that. It is a persecution."

Mr. Ward: In other words, what he is trying to say, your Honor, is that Mr. Yellowley controls the District Attorney's office and every person associated with the prosecution of this case is doing it to help somebody else.

That is what he is trying to say.

Mr. Stewart: Well, I am unable to see where—

Mr. Ward: That is what you are saying. In other words, you are not fooling me on it. It is the same line of evidence Your Honor sustained the objection to the introduction of that report. Some collateral issue, trying to get into that field and get away from what we are trying—that the defendants are guilty of conspiracy to defraud the United States regardless of who Mr. Yellowley is, or any agent over there.

The Court: I am quite certain Mr. Yellowley did not control Mr. Igoe when he was United States Attorney. There is no one else controlling the District Attorney either at the time Judge Igoe was in there, or at the time Mr. Campbell was in there.

Mr. Stewart: Your Honor, in this case, one of the things Mr. Ward has introduced here, you remember, is that Western Avenue still, then he introduced conversations where Kaplan tells Raubunas they are going to

keep out \$400 a week to protect the still. Well, in defense of that, we wish to show—

1251 Mr. Ward: You are not going to ask Judge Igoe the insulting question if he knew anything about it, are you?

Mr. Stewart: Well, if I can't proceed in my way—

The Court: Proceed, Mr. Stewart. Make your statement.

Mr. Stewart: I wish to point out to the Court, if I may, or, I am able to, the materiality of this friction between the agent, and that involved Mr. Igoe while he was District Attorney and involved Mr. Glasser in determining whether or not he could go ahead with certain cases. It is one thing to have an honest agent hand you an honest report, and it is another thing to have a dishonest agent give you a dishonest report, and let the District Attorney hold the bag, while they are letting the big operators continue to run, and on top of that, this prosecution comes in here and endeavors to charge Mr. Glasser with letting the Western Avenue still operate over a period of months—

Mr. Ward: If there is any dishonest agent Mr. Stewart is insinuating about—I hold no brief for anybody. I called them to the witness stand and I turned them over for cross-examination, whether they have virtue or don't, I put them on this stand as being the ones that worked in this case, and I am holding no brief for anybody.

Mr. Stewart: Well that, of course, we can argue when we get to it, but the point before the Court now is whether or not the witness who was, after all, charged with the responsibility and the discretion whether or not he should be permitted to tell the things he took into consideration. For instance, in determining not to have his assistant, put that big report concerning the Hodorowicz conspiracy before the Grand Jury, the fact he is influenced by the fact he is an assistant.

The Court: Are you intimating now Judge Igoe told Mr. Glasser not to submit this report to the Grand Jury?

Mr. Stewart: That is true.

The Court: Will you ask him that?

1252 Mr. Stewart: Yes. Isn't it a fact, Judge, that you studied that long report, calling your attention to this particular report here (indicating).

The Court: He had undoubtedly hundreds of reports to look at.

Mr. Stewart: Q. The particular report you have in your hand, I will give it the Exhibit number so there won't be any mistake about it. Number 160, wherein Mr. Bailey, special investigator—

The Witness: A. I assume that report contains a detailed statement of what evidence would be submitted which would involve the Hodorowicz brothers.

Mr. Stewart: That is right. Now I will ask you first, was it not your first instruction to your assistant, Mr. Glasser—

The Court: Just a minute, Mr. Stewart. I am suggesting this, it was my impression the testimony that Mr. Bailey submitted this report to Mr. Glasser after he had completed this investigation which was some time after Mr. Glasser and Mr. Bailey had consulted with Judge Igoe.

Mr. Ward: That is my understanding.

The Court: That is why I thought the Judge ought to have a chance to study this particular report to see when it was submitted.

Mr. Stewart: My understanding of that, your Honor, is, Mr. Bailey came here from Washington.

The Court: Just a minute. Let me ask Mr. Bailey.

Mr. Bailey, you have already testified that you visited Judge Igoe who was then District Attorney with Mr. Glasser, with reference to the Hodorowicz brothers?

Mr. Bailey: Yes, sir.

The Court: At that time did you have this report that we have marked Exhibit 160? Did you have this report marked Exhibit 160 with you and did you submit it to Judge Igoe?

1253 Mr. Bailey: I did not, sir.

The Court: That is my impression, there is some other report and Judge Igoe must have seen, I don't think it is fair to the Judge to confine him to this particular question of this Exhibit until he has a chance to examine it, because my impression was Mr. Bailey had not completed his investigation at the time they called upon Judge Igoe, and Judge Igoe said "Go out and complete your investigation", and then "Mr. Glasser, I want to hear further from you, and submit this to the Jury."

Mr. Stewart: That is not my memory of the testimony.

The Court: What is your recollection? Just a minute.

Mr. Bailey: Your Honor, I talked to him but on one occasion in my life, and that was on the 26th of January,

1938; at that time that report was not completed. I had no report with me on that occasion.

The Court: That is Exhibit 160.

Mr. Bailey: That is correct. I turned that report over in Mr. Glasser's office on April 21, 1938.

The Court: That is what I thought; that is what made me confused as to the report.

The Witness: What is the question, as to whether I saw this report?

The Court: The time he was there.

A. I don't recall it, the time he was there, but I did see this report finally, if there is any question about that.

Mr. Stewart: Q. After seeing it and inspecting it with your assistant, Mr. Glasser and studying it, did you come to the conclusion as to whether or not that particular charge, that particular case worked up by Mr. Bailey should be presented by you and your assistant, to the Grand Jury?

A. No, I thought it should be presented as a violation of substantive crimes on the part of the Hodorowiczses rather than dragging in all of these individuals mentioned in this report.

1254 Q. And you were not in favor of prosecuting the conspiracy, that is suggested in that report?

A. That is right.

Q. And will you give us your reasons for coming to that conclusion?

A. Well, I gave them to you before. I will give them to you again.

Q. Well, you want me to repeat, those you have given?

A. Well, the reasons are not any different than what they were before. For the violations of a substantive crime a much heavier sentence can be imposed than for a conspiracy, and I was interested in finally getting the Hodorowiczses into a case where a real substantial prison sentence might be imposed upon them.

Q. What is the difference in the penalty in a substantive offense from that of conspiracy?

A. We have different substantive offenses, you can get many, many years for some crimes, while conspiracy is two years.

Mr. Ward: We will agree that for possession and sale it is five years, and for conspiracy it is two.

Mr. Stewart: Q. Now, Judge, my attention has been



called to a letter which is marked with the next number, 193, will you examine that, please?

(Whereupon witness examines letter.)

Q. Does that bring back to your memory some dealings that you had with your assistant in the Washington headquarters?

A. Yes, sir.

Q. Will you tell about that incident?

A. That is a letter from Mr. Keenan sent to me. Mr. Keenan was a special assistant to the Attorney General of the United States and the letter speaks for itself. It mentions some function or some work he had Mr. Glasser do for him, and he praised him for that and it was 1255 done in a satisfactory manner.

Q. As a matter of fact, Judge, while Mr. Glasser was your assistant, did he render satisfactory and conscientious service to the government?

A. He did.

Q. And in working with him and having him under you as an assistant, did you also come in contact with Judges and other lawyers and various people who knew both of you in order that you might learn Mr. Glasser's general reputation for being an honest man?

Mr. Ward: The government will stipulate that Judge Igoe certainly wouldn't retain a United States Assistant as long as he was a District Attorney who didn't enjoy an honest reputation. The government will stipulate to that and his opinion.

Mr. Stewart: Can't I prove my case?

Mr. Ward: We will stipulate to that.

The Court: Let the stipulation stand and you may also inquire.

The Witness: A. I do know the reputation of Daniel D. Glasser for being an honest and law abiding citizen. It was good.

The Court: Was Mr. Kretske in your office, Judge, at the time you were District Attorney?

A. Yes, sir. He was there before I came in.

Mr. Stewart: Q. Do you know anything about the circumstances under which he left your office?

A. Well, there was some dispute up there and he resigned. I had known Kretske for ten or fifteen years, I had known his father for thirty, twenty-five or thirty years.

I remember discussing a case that has been referred to here as involving Abosketes and somebody connected with him. I do remember sending Mr. Glasser up to the state of Wisconsin.

Q. Will you tell us the circumstances of that, please?

A. Well, Abosketes was a figure, I, in connection with a huge still which had been unearthed up in McHenry County, by which that still was unearthed as the result of the activity of an agent who was brought here from Detroit and he ran the operator of that still down, and Abosketes was one in connection with it. The Alcohol Unit people said they couldn't find him, although he was in Milwaukee, and Glasser got word that anybody who wanted him could locate him up there, and he came and told me he wanted to go up to Milwaukee to have Abosketes arrested and I procured authority for him to go up there, and he went up to Milwaukee to have Abosketes arrested and I procured authority for him to go up there, and he went up to Milwaukee and secured the assistance of the Police Department of the City of Milwaukee, and they experienced no difficulty at all in going out and in promptly arresting the man he was interested in.

Q. Do you remember the name of that man, or could we refresh your recollection on it?

A. Which man?

Mr. Ward: Just a minute, the Judge has said it Nick Abosketes.

The Witness: No, they were after Brown.

Mr. Stewart: Q. Was Kasmarek the name?

A. I don't recall the name. I remember Brown is in there, this name you just mentioned is in there, and Abosketes, but anyhow, they went to arrest this one individual and nobody could find him, and Glasser sent up there and got the assistance of the Police Department of the City of Milwaukee, and they went out and captured him without any trouble.

Q. And he was brought back here and convicted, was he not?

A. Yes, sir.

*Cross-Examination by Mr. Ward.*

1257 I think I assumed the office of the United States Attorney about June 1st, 1935, the end of May or first of June, 1935. That is correct, I was elevated to the

bench in November of 1938, and sat here in this building ever since as a District Judge.

Q. Now while you were District Attorney your office was up there in the front, 826, was it not?

A. You mean in this building?

Q. Yes, sir.

A. That is right, upstairs here.

Q. Where was Mr. Glasser's office with reference to yours?

A. It was right down next to you. That is what we call the south wing.

That is right, that while I was District Attorney I had men assigned to different duties, and one assignment would be the counterfeiting cases, the mail fraud cases and so on until I distributed all of the business of my office. That is right that from time to time the assistants would come in and they would consult with me and tell me how they were handling their cases. My door was always open to listen to hear anything they had to say.

Q. And after a case would be turned over to an assistant attorney, he would handle that case until its termination, would he not, Judge, without any interference on your part, if it was going all right?

A. If it was going with, in the ordinary course of procedure, that is the way we want it operated.

Q. If nobody would complain to you about a particular case it would go on to its conclusion, and you possibly would hear nothing about it after you once assigned it?

A. Ordinarily that is true.

That is right, that I received my correspondence there all in the morning, and would check over my correspondence and if it had to do with the particular case that some assistant was handling, in due course it would go back to that assistant after I had looked it over.

Q. It was your custom to look over your mail and keep a lookout and watch for things as they were going on, in other words, what I am trying to say, Judge, is, you were an active District Attorney and put in all of your time from your appointment as District Attorney up to the time you were appointed Judge?

A. I think I was.

In the course of my being the District Attorney, there were thousands of reports of all kinds and all natures, sent to my office. That is true, that they were reports

regarding mail fraud cases, counterfeiting cases, federal bureau of identification cases, alcohol tax unit cases, secret service cases, all sorts of cases. That is right, that I would have sent to my office voluminous reports regarding the way the Works Progress Administration and any investigations that were made of offenses of that kind. That is right, that I relied on my assistants to keep me advised about cases from time to time.

Q. Now this Hodorowicz case, you indicated that you were interested in that particular case from the standpoint that you wanted to see the Hodorowiczes prosecuted because it was generally known that they were consistent and persistent violators, that is right, isn't it?

A. That is right.

Q. Do you recall in 1937 Colonel Bailey, Tom Bailey, coming to Chicago and talking to you about the Hodorowicz case?

A. Who is Colonel Bailey?

Q. Well, it is Tom, Colonel Bailey, that is his rightful title, we call him Tom.

A. Well, I think I saw that man once; that is all I ever saw him.

Q. That is what he said, he saw you once.

A. I thought he said that was in January, 1938, you say it was 1937.

1259 Q. No, 1938. He talked to you, and do you recall Mr. Glasser taking him into your office?

A. He came in with him.

Q. Now, Judge, do you know a man name Clem Swanson, I mean Elmer Swanson?

A. Not by name.

Q. Do you know a man named Clem Dowiat?

A. Not by name.

Q. Do you know a man named Kamarek?

A. No.

Q. Do you know a man named H. L. Welch?

A. Those are evidently the names of those defendants, from this report; I don't know anyone of them, if that is what you are trying to find out.

Q. Why do you say that?

A. Because the names are here. Here is Charles Swanson; Clem Dowiat. How do you think I might know them.

Q. Is H. L. Welch one of those?

A. I don't think—

Q. I know you read that report.

A. What makes you think I might know them?

Q. I only asked you—

A. Well, you did ask me, I ask you what makes you think I might know them.

Q. I say you don't know them?

A. I am telling you I don't know him.

Q. That is the point. I say you don't know them, but Mr. Glasser does know them?

A. I don't know anything about them.

Q. But you don't know?

A. You know I don't know them, you don't have 1260 to insinuate I do, either.

The Court: Well, I don't think Mr. Ward is—

The Witness: I think I understand what Mr. Ward is trying to do, Judge.

Mr. Stewart: May I have stricken from the record Mr. Ward's statement Mr. Glasser knows them, because that would be a statement for the Jury, knowing a person, we will argue that matter. May we have that stricken?

The Court: I think Mr. Ward knows, and this Court knows, and everybody else knows Judge Igoe does not know these men in the ordinary sense.

Mr. Ward: I was just leading up, and remarked these were the cases Mr. Glasser handled. I didn't mean to insinuate that at all, and if the Judge thinks that, I want to apologize.

The Court: I think the Judge will accept your apology.

Mr. Ward: The Judge knows I wouldn't insinuate such a thing.

The Court: Be careful in framing your questions now.

Mr. Ward: Q. Judge, you said you were interested in getting the large violators, and you were, were you not?

A. Yes, sir.

Q. And this case where you got this anonymous communication, that was the Nolan case, wasn't it?

A. I think that was the name of the Police Officer. I don't know the other names involved, I am quite sure that was the name of the Police Officer.

Q. And they were brought in and prosecuted by Glasser?

A. Yes, sir.

Q. And he got five years before Judge Barnes, is that right?

A. What do you mean by he got five years?

Q. Oh, well, all right.

A. Judge Barnes imposed a sentence of five  
1261 years, I don't understand what you mean by saying  
he got five years.

Q. Now, the Workman case, you didn't know that  
Daniel Glasser knew a man named Sheenie Albert, did  
you, Judge?

A. No, sir, I don't know it now.

Q. And you didn't know that he ever visited or heard  
he visited 1062 Polk Street, and tooted his horn, and a  
man came out of that place, and who was in that Work-  
man case and held a conversation with him, you didn't  
know anything about that, did you?

Mr. Stewart: I object to that, Your Honor, that never  
happened.

The Court: There is testimony here in this record to  
that effect.

Mr. Stewart: That is right, the Jury knows that Mr.  
Ward couldn't assume it as a fact, in cross-examination  
of this witness. I have just as much right to stand up  
and say that never happened.

The Court: I know Judge Igoe don't know anything  
about that, of course we all know. In other words, Judge,  
I can shorten this whole thing up by saying—

The Witness: Let us see, as I understand the question  
of this prosecutor, he wants to know whether I knew  
this man Glasser at a certain time was in a certain place  
on the West side, and somebody tooted an automobile  
horn, and somebody—

Q. One of the defendants of the Workman case.

A. Do you want me to answer that?

The Court: You don't need to answer that. I know  
you don't know that.

Mr. Ward: Well, Glasser wouldn't tell you, that,  
Judge, if he did.

A. You want me to answer that question?

Mr. Ward: I will withdraw it.

Q. Will you look at this, Judge, and tell us—

A. I want to answer that question if the Judge is not  
going to rule it out.

1262 The Court: If you want to answer it, you may.

A. I want to answer that, yes, sir. Of course,  
Glasser never told me any such thing, and you know it.



Mr. Ward: Q. Those are the indictments in the Hodorowicz case.

A. What about that?

Q. Well, do you know anything about those indictments?

A. Other than that they were presented to the Grand Jury, and they were returned.

Q. Do you know what disposition was made of those two indictments?

A. I do not. I suppose the records here will show it.

Q. I will show you the Workman correspondence, Judge, and ask you is that the correspondence in the case?

A. That is part of the correspondence.

Q. And the testimony has been that that is not your personal signature, but the signature of your secretary appears on there, "M. L. Igoe."

A. That is correct.

Mr. Ward: That is all.

The Witness: Is that all?

Mr. Ward: That is all.

(Witness excused)

BENJAMIN BIRNBAUM, was called as a witness on behalf of the defendant, Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Callaghan.*

My name is Benjamin Birnbaum. I am Rabbi of the Logan Square Congregation for ten years. I studied at the Jewish Theological Seminary of America, I studied in New York previous to that, and got my training in the American School of New York, from which university I received both Bachelor and Doctor degrees. I know 1263 the defendant, Daniel D. Glasser, approximately ten years.

Q. During that time, were you thrown into more or less of an association with him?

A. Very intimate association, as well as his family, his folks. I have had occasion many times to get well acquainted with him.

He has been a member of the Board of Trustees in my congregation for a number of years, Chairman of that Board two years, and President of the Congregation a

year. His wife is a member of the Board and Past President of the Board of Trustees of our Sisterhood.

Q. Do you know the general reputation of Mr. Glasser as to honesty, integrity and as a law abiding citizen?

A. I am happy to speak unhesitantly—

Mr. McGreal: I object, your Honor. Just answer the question.

The Court: Answer the question, please.

The Witness. A. Your Honor, the question has been asked me, and it has been the privilege, my privilege to know the defendant for more than ten years. He has my utmost—

Mr. Ward: Objection.

The Court: Better not elaborate too much. Answer the question yes or no, please. State what it is, good or bad.

Mr. Callaghan: Do you know the general reputation of Mr. Glasser as to honesty, integrity and a law abiding citizen?

A. One of the finest character and humanitarian—  
(Witness excused.)

DANIEL D. GLASSER, one of the defendants herein, a witness in his own behalf, having been first duly sworn, was examined, and testified as follows:

*Direct Examination by Mr. Stewart.*

My name is Daniel D. Glasser. I live at 6125 N. 1264 Washtenaw Ave., Chicago, with my wife and children.

I have been a member of the bar about seven years—seven and one-half years. I went to school in Chicago, attending Schley grammar school, Lane Tech, St. Charles University High School. I was born in Chicago. I went to the District Attorney's office as an assistant on March 15, 1935. In 1917 I enlisted in the Army, and without almost no exceptions have been in military service ever since. I was in the regular Army, National Guards, and held all the offices from private to captain, and was finally Commander of Company M, 132 Infantry. I am the present captain of the 132 Infantry in the office of Reserve Captains. I don't belong to any organizations in connection with that military service. I am past-Commander of Aviation Post of the American Legion. I have cor

some ex-service man's work and was formerly President of a Day Nursery and Infants' Home in Chicago. Off and on I have been an executive in various civic organizations. I ceased actual work in the District Attorney's office on April 15, 1939, although my resignation is dated some time later. I ceased actual work on April 15, 1939.

Q. I will show you a photostat of a letter which we will mark with the next number 197.

(Document marked as requested.)

I received that letter.

(Thereupon EXHIBIT NO. 197, being a letter dated March 17, 1939, addressed to Daniel D. Glasser, and signed by Wm. J. Campbell, United States Attorney, was offered and received in evidence on behalf of the defendant Glasser, and was made a part of the record herein.)

Thereupon said exhibit was read to the jury.

1265 I did not, during the time I was an Assistant District Attorney, ever accept any money or thing of value in the nature of a bribe. I did not ever solicit any promise or take any promise of money in the nature of a bribe. When I left that office Mr. Ward was the assistant who took over the Alcohol call. I did report to Mr. Ward a list of cases that were mine, in order that he would know the cases that were pending.

Mr. Stewart: Mark this No. 198.

(Document marked as requested.)

Q. I show you a document marked 198, and asked you if that is a copy of the list you furnished Mr. Ward when you left the office?

A. This is a copy of the list I furnished Mr. Ward of the cases which were then pending on indictment. I furnished him with another list, a copy of which I have not here at the present time, of cases waiting presentation to the Grand Jury.

Q. I notice at the top of the page, the letters "DDG:FM", what does "DDG" signify?

A. The practice in the District Attorney's office is for stenographers to put initials at the top of paper, of legal sized copy, of the person dictating it, and right next, her initials.

DDG means Daniel D. Glasser and FM, Frances McGarry.

Q. I will show you now a paper which I will to be marked No. 199.

(Document marked as requested.)

I received that during my service as an Assistant District Attorney.

(Thereupon EXHIBIT NO. 198, being a list of cases, and EXHIBIT NO. 199, being a circular dated August 28th, 1935, and addressed to all United States Attorneys, were offered and received in evidence on behalf of the defendant Glasser, and made a part of the record herein.)

Thereupon Exhibit No. 199 was read to the Jury.  
1266 Q. Now, Mr. Glasser, the first case mentioned here in the evidence involves a still where William Workman was defendant on Cullerton Avenue. Directing your attention to that case, did you prepare the matter for trial as against William Workman?

A. I prepared it for trial, yes, sir.

I did not know, as I prepared it for trial, that Mr. Hess was going to plead his client guilty. So far as I know, I first learned that Mr. Hess intended to plead his client guilty, the morning he came into court. Before that morning nobody talked to me about what would be the disposition of that case as to Workman.

Q. And when a plea of guilty was entered, that releases, does it not, of proof of the facts as you would have to prove them before a Jury?

A. Yes, sir.

Q. The only question remaining is that of what should be done with the case in the way of penalty, is that right?

A. It depends on the attitude of the Judge. Some judges want to hear a lot about a case, and others don't.

Judge Sullivan, who had disposition of that case, was informed of the size of the still. He was informed of the connection Workman had with that still. He was given the information I had concerning Workman's connection with the matter. The responsibility is that of the Judge as to the final disposition, as to whether that man should get a penalty or be granted probation. I performed my duty in that case in a conscientious manner. I worked all summer on that case. As far as Workman was concerned, nobody approached me and discussed the matter any way other than as a legal proposition. Nobody gave or offered me any money to influence my action.

Q. With reference to the other defendants in the Workman case,—by the way, was that a case in which you had presented the matter to the Grand Jury yourself?

1267 A. I would like to explain that. I came in the office in March of 1935. I was here a few weeks without anything to do, and Mr. Morgan who testified here, kept pushing me away, although he was told to assign me a call. After I was there a while he said to take a chair and sit in 859 to be out of the way. When I got in 859, there was an attorney there about to resign. His desk was loaded with files and I commenced to work. The Assistant's name was Bosworth. Those files, in fact, had been dead. I collected many thousands of dollars for the Government on them. I had been out in taxes myself there, and knew how hard it was to collect, but I collected many thousands of dollars for the Government. Then I was called in by Mr. Green, who was District Attorney at that time. He told me that in return for my conscientious service that I rendered in the first sixty days, he was going to assign me to a major call. He let me assist Mr. Tappy in the handling of the call, and one of the cases assigned to me was the Workman case, I had nothing to do with it before the Commissioner or about presentation before the Grand Jury. I don't believe I was in the office when it was originally presented. I had the Alcohol Tax Unit assign an agent specially to the office to work with me, for the purpose of ascertaining who the big men were in the case. The agent was Carl Handbach. I understand he is still assigned to this district. He worked on it all summer and had an indictment in June of 1935, and indicted in that case a number of what we used to call raw material men, people who sold material used in the manufacture of illicit alcohol,—such as molasses, sugar and yeast. It is true that after the indictment was returned various defendants were dismissed out of the case. As I prepared for the purpose of moving for these dismissals, I did discuss the matter with my superior, Judge Igoo, from time to time.

Q. Upon whose suggestions or orders, if anybody's, were those dismissals made?

1268 A. Originally talked to Judge Igoo, and found the Judges were sympathetic when it came to convicting the raw material men. I discussed this matter with Judge Igoo, and I even went to Washington and received a letter from the Attorney General, and wrote a letter. I seen Judge Igoo's name as attorney, requesting permission to discuss certain defendants. From time to

time we had further discussion in that case. The defendants were represented by some of the biggest law firms in the city of Chicago. I remember Mr. Floyd Thompson was actually in that case, and there were a number of large substantial law firms involved. We had conference after conference about the question of whether we should proceed with the prosecution of companies like the Clinton, a seven million dollar corporation, over the sale of a carload of sugar to the Cullerton warehouse. I came to the conclusion that there was no intention on their part to violate the law. After each discussion with my superior, I would talk to Mr. Igou, now Judge Igou, and we would agree,—he would say, "Go down and dismiss this fellow, dismiss that company." One time I suggested we did not have any letter from the Attorney General's office. I would like to state at this time, it was my understanding about having letters from the Attorney General's office, is a little different from what Mr. Morgan testified to. No assistant has authority to dismiss an indictment without permission or authority of the Attorney General, but he has authority to dismiss certain counts and certain defendants out of the indictment. So when I discussed with Judge Igou, the dismissal of certain defendants, I was under the impression that Mr. Morgan is now, that you had to have a letter from the Attorney General. But he said, "You have two or three letters giving you authority", so we proceeded to dismiss as I would receive word from Judge Igou to do so.

Q. Now, with reference to the case, versus Vitale, what is your memory concerning the final disposition of Vitale in this case?

1269 A. Vitale had a couple of cases against him here.

I did not remember that Vitale had twenty-six stills, —I don't remember. I never thought he was such a big shot. We had two cases pending against Vitale, and I had a letter from the Alcohol Tax Unit, where they asked me not to present them to the Grand Jury. One was under indictment, and one was to be presented to the Grand Jury. Mr. Dowd said, "We have got Vitale down in Peoria in a good case. Why not take that case for hearing before the Grand Jury and have it No-Billed? If Vitale would plead guilty,"—may I tell this? Mr. Dowd is talking. "If he pleads guilty, recommend an hour in custody." Vitale got shot. He drove on the farm and



the sheriff said "Halt". Vitale evidently ran and the sheriff shot him, and it took him some time to recover. He was taken to the State court in LaSalle County, and was prosecuted for having in his possession that distillery, and was fined two hundred dollars and costs by the State. My instructions from my superior, Judge Igoe, were that we would only prosecute a man once for each offense. If the State of Illinois saw fit to prosecute Vitale, Mr. Igoe did not feel that the United States ought, also, to prosecute. So when Mr. Dowd told me that Vitale had been fined two hundred dollars and cents in LaSalle County for this very violation, I thought if he would plead guilty, it would be all right. I made a notation, I think, on the file, and came down subsequently, and he plead guilty. I recommended one hour in the custody of the Marshal. I believe you have a certified copy of the conviction. To the best of my recollection I have given you now, my reasons for making my recommendation. My action was not in any way influenced by any bribe or any conversation with anybody outside the court.

Q. While you were in office, did you compile a list of your cases in showing the Judges they were before, and their disposition?

A. From time to time I did.

1270 Q. I will now show you this paper which I will have marked the next Exhibit Number.

(Which said document was marked Defendant's Exhibit Number 200.)

Q. Is that list a list prepared by you from your original records?

A. That is, yes.

Q. And does it cover the periods that are shown by the dates that are written on there?

A. It covers only alcohol cases.

Q. Now since you have prepared that list, did you supplement it with, or rather, did you submit it with an inspection of the records in order to bring those statistics down to the date of your leaving office?

A. Well, I used to prepare that at the end of every year, but when I left the office, it was in March or April and I prepared one for these three months.

I did note a summary of them on this piece of paper.

Mr. Stewart: I will have this marked with the next Exhibit Number.

(Which said document, was marked Defendant's Exhibit Number 201.)

Q. Will you give the Court and Jury a general estimate based upon the percentage as to how your liquor call ran during the time you had it, relating to other cases that were handled in the office?

A. Well, in 1935, when I took over the call for four months I handled it with Tappy, I should say the alcohol call at the District Attorney's office was about fifty percent—well, I was going to say fifty percent of the work, but I would say about fifty percent of the cases which were brought into the office of the United States Attorney during the year 1935 and 1936 were alcohol cases. Well, the narcotics—I think the alcohol had the largest 1271 call, then the narcotics call, which probably had thirty-five or forty percent of the cases, then there was the bankruptcy, counterfeiting and post office mailbox robberies, white slaves, so many of those impersonating federal officers—

Well, after I was on the call for a couple of years, and after we started getting substantial penitentiary sentences, why the call diminished, but it didn't diminish to such a great extent, but it did diminish. I did, during my service of duty, handle other calls than the alcohol call. Toward the latter part of my services I handled half of the bankruptcy call. Bankruptcy frauds and checks from National Banks, thefts and embezzlements from banks which were members of the Federal Deposit and Insurance Corporation; I handled many of Mr. Ward's cases when Mr. Ward and Mr. Moreschi were in here for about eight weeks in 1938. At least eight weeks. And I handled Miss Bailey's call, she was ill during that time and I handled her entire call.

Mr. Ward: Q. What was the date, Mr. Glasser, that you handled my call?

A. I handled your call from time to time when you were not here because of illness, and Mr. Roland would probably be able to tell you about some of those cases.

Mr. Ward: All right.

The Witness: Miss Bailey had the narcotics, and that was the second largest call in the office, and I handled that for about eight weeks in 1938. For some weeks in 1938 Eben, who is an assistant United States Attorney, had been married some time in June, 1938, and went on his honeymoon, and I handled his call and presented his

cases to the Grand Jury. This call was counterfeiting and veteran's act violations. When I was taking on those additional duties, I was also looking after my own call.

I did not know the Western Avenue still was there while it was in operation. The date of my knowledge of 1272 its existence might be about the date of the report, or it might have been just previous to it when the agent might have been discussing it with me. Oh, it was long after the still was raided. There were no arrests made in the Western Avenue still, and no reports are made to the District Attorneys office of cases wherein there are no arrests made.

Q. Well, when that report did come to you, it was not accompanied then by the request for prosecution, or was it, you tell us?

A. Oh, that is—the reports generally have a concluding paragraph which says that it is requested that this case be presented to the Grand Jury, or in some cases it is requested that the Grand Jury's action be withheld.

In that particular case the presentation was made to the grand jury by me, in my official capacity. The result was that finally it was no billed. I did present all of the evidence that I knew of, which was available. I think I did present it in a proper and lawyer-like manner.

Q. Now there has a case been mentioned here concerning Swanson which involved a Stony Island still. You will remember it, when I refer to it as a case where Mr. Roth had a diagram and they were preparing for a trial and Swanson was a defendant and one of the Hodorowicz and Clem Dowiat, do you remember that case?

A. Well, I never saw the diagram before we take it to court here, but I remember that case pretty well.

Well that case I O.K.'d the complaint before the Commissioner and instituted the action. And when we went before the Commissioner. I don't remember Bailey being in the Commissioner's office, although I suppose he was because he says he was. But I do remember Mr. Ritter. Mr. Ritter was the man with whom I had most of my contacts, Mr. Ritter is the investigator in charge of the agents of the Alcohol Tax Unit and he was there in the Commissioner's Courtroom on the day set for the hearing of the case that you are asking me about. And 1273 he came to me and he said "I don't think we have got enough evidence here to win this case," and I

said, "Well, I don't want to lose this case. This is one of those Hodorowicz cases, I don't want to lose this case," I said, and "I don't know what I am going to do." He said, "Why don't you go in and ask the Commissioner to continue the case and in the meantime I am sure we can get more evidence." So I said "All right." He said: "We can present it to the Grand Jury if we don't get any more," and I said:

"No, I don't think I would like to do that if we haven't got the evidence, I don't want to proceed." He said: "Well, get the continuance." So I went in before the Commissioner and I asked for the continuance, and Roth objected, and Roth said:

"I would not object if I thought this was a continuance in good faith, but I am afraid they are going to rush down and indict these people before the hearing comes up and then we won't have a chance to have a preliminary hearing." He said: "If Mr. Glasser gives me his word that he won't present it to the Grand Jury I will agree to the continuance." I said: "I am not going to make any deals with you, I don't know what I am going to do, I don't want to bind the hands of the Government now." So the Commissioner ruled with me and a continuance was granted. After the continuance was granted, another date was set. Before that date arrived, Mr. Ritter came over to see me and we discussed the case and we decided, Ritter and I, that the matter ought to be presented to the Grand Jury, and we did present it to the Grand Jury. The Grand Jury voted a true bill.

Q. And did that case come on in the usual course before one of the District Judges?

A. Well now, it came on on the indictment and I neglected to tell you in my conversation with Ritter, at my office, when we decided to present that case to the Grand Jury, and it was the only one in my experience of four years up there where I did those things, but 1274 Ritter was always so very friendly and so conscientious that, at his request, I did it. He said:

"Now when we get this indictment, if we have not got sufficient evidence to convict these people we can continue it generally because we can get it." He said: "I am sure we can get it." And I said: "All right." We presented it to the Grand Jury and the Grand Jury indicted them and we went before the Commissioner and

dismissed our case, the case was pending before the District Court and we came in before the Judge to whom it was assigned and I think Roth was there, I don't remember, but anyway, on the plea in arraignment day it was put over. I don't remember what order was entered on that date, but it was put over and subsequently I had another conversation with Ritter and I said: "Now this day for trial is rapidly approaching and I don't see this conclusive evidence that you talked about so much." He said: "Well, why don't you strike it off." So I struck it off. I asked one of the clerks upstairs, I think Mike Ontrem to make a motion to strike from the docket with leave to reinstate. Striking with leave to reinstate does not hurt any on the Government's opportunities to convict people, and certainly wouldn't in this case because all of the witnesses were agents.

I did not, before I struck that case off, communicate my intentions to Mr. Roth, or anybody outside of my office. I probably should have, but I didn't, and I had a conversation with Mr. Ritter about that because the date the jury was being picked in this courtroom I said, "Ritter, you know what I did in that Swanson case." I said: "I did it at your request," and I said: "Now Ward is presenting evidence as though I was crooked about it. I would like to have you be my witness." He said: "Oh, there is nothing to it, I have talked to Ward about that four weeks ago, I told him there was nothing to it." I said: "Well, you may have told him there was nothing to it, but it is in my indictment." He said: "I understand the government is going to call me and I will testify to it." And he has been in Chicago ever since and he has not testified.

Mr. Ward: Just a minute, Mr. Glasser, I am not objecting to anything—

The Court: Did you subpoena him?

The Witness: No, I have not.

The Court: He is subject to subpoena in this case if you want him here, you can have him here.

The Witness: He is a government witness.

Mr. Stewart: Can't we argue our case when the time comes?

Mr. Ward: Just a minute, I am making an objection and I want to be heard and the last statement I move be stricken, the last few lines of it, something about the agent.

The Court: What was it?

(Answer read by the Reoprtter, as above recorded.)

Mr. Ward: Yes, "He has been in Chicago ever since and he has not testified." It is not responsive, and I move to strike it.

The Court: That may be stricken. I will say now to the defendant he is subject to subpoena.

The Witness: I am sorry, Judge.

The Court: You have a right to bring him into this court if you wish.

Mr. Stewart: Q. Well now, do you remember those Oklahoma people who were on the stand here, the wife testified, well, both of them did, the Jurkos, or something like that?

A. Jurkos, yes.

It is a fact that they were down in my office and after talking to the agent and to the people I told them to go with directions that they assist me if they could in 1277 finding the owner of the still. I have done that in other cases, hundreds of them. That was part of my method of handling my call to do things such as that.

Mr. Stewart: Now, will you mark this Exhibit 202, and the next number 203?

(Whereupon said documents were marked Exhibits 202 and 203, as requested.)

The Witness: Exhibit 202 was written by me at or about the date it bears, to the person addressed, and signed by me. That is not my signature on No. 203, where it reads "Daniel D. Glasser," it is my initials, it is my secretary's signature. I dictated it. The handwriting down here (indicating) is Mr. Campbell's signature, W. J. Campbell, United States Attorney. He was my superior at the time of this. Exhibit 203 was delivered to Mr. Campbell, who in turn delivered it to me. That notation on it is in his handwriting.

(Thereupon EXHIBIT NO. 202, being a letter dated November 21, 1938, and addressed to Most Rev. Bernard J. Sheil, and signed by Daniel D. Glasser, Assistant U. S. Attorney, was offered and received in evidence on behalf of the defendant Glasser, and made a part of the record herein.)

(Thereupon Exhibit No. 202 was read to the Jury.)

(Thereupon EXHIBIT NO. 203, being a memorandum dated January 6, 1939, addressed to Mr. Campbell and signed by Daniel D. Glasser, was offered and received in



evidence, on behalf of the defendant Glasser, and made a part of the record herein.)

(Thereupon Exhibit No. 203 was read to the Jury.)

1278 Mr. Stewart: Now I am going to call your attention to a case which has been repeatedly referred to here as the Spring Grove case, did you present that matter to the Grand Jury?

A. Yes, sir.

Q. What was that, once, or more than once?

A. A number of times.

Q. Well, it might shorten this a little bit, you heard the agent Mr. White testify as to the matter in which you had him first make a preliminary talk, did you do that?

A. Yes, sir, what I used to do with those special investigators, when they made up one of those cases I would have a blackboard brought into the Grand Jury room and I would give them a piece of chalk and I would say, "Now I want you to read to the Grand Jury your chronological statement of this case" which is that which Mr. Ward and Mr. McGreal were reading to the Jury. That tells the whole case and they would read—each one of these special investigators, they would write on the blackboard, the defendants in the order of their importance, as it showed it in the case, and in this case Mr. White did it. I know he did it at least three times. I don't know how many times he did it.

Q. And in that list did he put the name of Kaplan, Raubunas and Dewes?

A. Kaplan was always first.

Q. And Stanley Slesur?

A. Whoever were the defendants in the order of their importance, or as he deemed the order of their importance, I should say.

I did not in any way restrict him or keep him from telling all that he wished to tell and all that he had in his report.

Q. Did you withhold any evidence in that matter as you presented it?

A. Well, I had no evidence, you know I just had 1279 these witnesses and I let them testify; I didn't withhold any witnesses.

Q. And there has been a man by the name of Frett mentioned and he is mentioned in the report as having

something to do with leasing premises, was he available as a witness as you were presenting this matter?

A. No, he never was available as a witness. I finally got him into my office and talked to him as harshly as I could, and I was going to get a subpoena out for him—now I think I did, I am not sure, but I do know I had his promise to return and he went out with the agent. Now I don't just exactly remember the details of that situation, but it was not on the Grand Jury, it was one of the times I had withdrawn it from the Grand Jury, that is, passed it for a week or two so we could go before the Grand Jury again and I was trying to get Frett.

During that time I did learn from the agent the activity of Dewes. Mr. Dewes, I was informed by Sylvian White, was out telling the people they better not testify against him.

Q. Now before you present the Spring Grove case, is it a fact that you made a request for a stenographer?

A. Before I did? One of the times before I presented it, yes.

I talked with Judge Igoe about that. Well, I had had difficulty in the presentation of that case with witnesses suffering from loss of memory and I wanted to be sure that if sufficient evidence was presented to the Grand Jury upon which the Grand Jury felt they could base an indictment, that that evidence ought to be written down so that it would protect the Government's interest. That is when we went to court, if the witnesses wouldn't want to testify because of some threat of Mr. Dewes, or somebody else, I could confront them with that statement and make them testify to the same things they testified to before the Grand Jury. Well, Cole was the principal witness in the case as White agreed, against the fellows

1280 whom White thought were the principals. And I took Cole in before the Grand Jury and interrogated him and he told a perfect story upon which I am sure the Grand Jury would have returned a true bill as against Kaplan at least. I don't remember exactly what he said about the rest of them. And he left, he left the Grand Jury room, he was out a few minutes when one of the Jurors said to me, he would like to ask Mr. Cole a question, will you recall him? I said "Sure". We recalled Cole, and Cole was asked some questions which he answered them just exactly opposite from the way he had answered them the first time, and then I started to argue

with him about it; he went to tell about his illness, and I said, I was not interested at that time in his illness, I wanted to know when he was telling the truth, I said, "When were you telling the truth", this was the last time. He insisted he talked about his illness. Finally I thought it would expedite matters to listen to his illness before we went into the facts in the Kaplan case again. So he said he was picked up; he testified before the Grand Jury that he was picked up by Agent White from some Hospital and brought to the Grand Jury then; that he had a number of bullets—I don't remember whether he said bullets or shrapnel, in his head. That they were not received as the result of injuries sustained in the war, but that he was subject to convulsions and that he went along for days with a complete loss of memory and otherwise he was normal, and some Doctor had prescribed some medicine for him and since that time his convulsions—well, intervals were greater between the convulsions. Well after that, after I heard that, I took Mr. Cole outside and said to Mr. White, "We can't rely on this fellow, we can't hope to get a conviction on the testimony of a man like this." I said: "I think he is crazy." And I said to White: "I am afraid of this thing, I don't know." I said: Just a minute,—I wanted to ask the Grand Jury—and White—and I went over and had a talk with Mr. Igoo and I told him the situation, I said: 1281 "Here is this fellow Kaplan we have been trying to indict him for some time and we have this fellow Cole here who is the principal witness and I can't rely on him." And he said "Well, tell White he has got to get some corroboration of Cole," so I went back and said to White "I think you ought to have some corroboration, we can't depend on this fellow's testimony." He said: "Why don't you withdraw it from the Grand Jury and we will present it"—in the meantime I will get corroboration and I did, and withdrew it. And I again presented it to another Grand Jury. Well after I left the Grand Jury room, the first time, I didn't know whether to believe Cole or not. He told me he had been treated at the Henrotin and Hines Hospitals and had double mastoid operations, and I called the Hines Hospital, I was active out there in Legion work and I knew people there, and I called them and I said, "What about this fellow Cole?" Well they didn't know him as "Cole," and it took some time to find him, and they finally found his

name was Oster out there and they told me Oster was suffering from traumatic apoplexy and he was subject to seizures, and he was drawing a pension from the government and was absolutely a fellow unreliable because in addition to the fact of his traumatic apoplexy he was an alcohol addict. I got that information from the American Legion office at Hines Hospital, I think Mr. Benson, something like that. I did also check up on the Henrotin Hospital. I learned at the Henrotin Hospital that they had X-rays of Cole and that he had twenty or twenty-five slugs in his brain and they were still lodged in his brain, although the accident had been in 1921.

The Court: In his brain, or in his skull?

A. Well I don't know, Judge; I don't know the difference.

Q. Did he tell you?

A. I think he said in the brain, now I am not sure. I know the difference between the skull and brain, Judge.

Q. I want to know what information you got?

1282 A. I don't remember, I remember Cole told me there was a bullet lodged in the base of his brain.

Q. I am asking you about the information you got from the last hospital?

A. I don't remember whether the skull or brain.

*Examination by Mr. Stewart (Continued).*

As I presented that case to the Grand Jury it was my desire, most emphatically, to prosecute Kaplan, Raubunas and Dewes, if I had the evidence upon which to do it. I did not make any representation to the Grand Jury that finally acted upon the matter, that Grand Jury, Mr. Gates testified here about it. I personally caused that Grand Jury at least twice, maybe three times—the Grand Jury was not satisfied with the reliability of my man Cole, they were not satisfied, and the last time I remember I brought him in, I had the stenographer there at my request so as to protect the record and that it might be shown what happened before the Grand Jury. And because they were dissatisfied with Cole and his unreliableness, I remember Cole in there, I brought him in there and I only asked him about his physical condition that last time. During that presentation the agent did say something to the Grand Jury concerning the method often used

by men like Kaplan. Always, every agent tells the Grand Jury the principals in these bootlegging cases, how they try to conceal themselves; they will send over somebody to rent a place who has no further doings with the still, all his job is, he maybe gets ten dollars or fifteen dollars to go over and sign the lease, and that is the last you ever hear of him. It requires extensive and very able detective work to detect the operators.

Q. Now I am going to direct your attention to a still investigation in which an agent by the name of Armstrong took part, about what year was that?

A. That was in 1938, I think.

Q. Will you tell the Court and Jury your experience in that matter?

1283 Well we asked for Armstrong; we asked that Armstrong be assigned to our office for some special work, Armstrong's reputation was beyond reproach.

Mr. Ward: I object to that, as far as this case is concerned, your Honor, this witness can state the facts regarding the prosecution of the case without going into any great detail about it. It is immaterial, it is incompetent.

Mr. Stewart: Q. Well I will join in asking that he just give us the high spots of it, Judge, or if I may, I might expedite it by leading a good deal.

The Court: He does not need to be a character witness for Mr. Armstrong.

Mr. Stewart: Well, I don't suppose he does.

The Court: That last part may go out.

The Witness: Armstrong did make an investigation and observe the operator of the still under my direction. He did arrest him. I was home in bed at the time the arrest was made. Mr. Armstrong called me on the telephone late at night, and he said "I have just made an arrest in connection with the 17th Street still, and I would like to see you." I said: "All right, I will come right out." He said: "No, I will come to your house if you want me." So he came to my house, and he brought a policeman with him, a man by name of Nolan, he told me he had apprehended Nolan, and two other people driving a load of alcohol, and that Nolan didn't want to say very much to him. I interrogated Nolan at my home that night, and Nolan finally told me that was his business, he was paying I think \$7.50 a can, and selling it for \$9.00 a can, that he had been a policeman in the City of Chi-

cago for ten years, he received a medal for bravery, and was assigned to the Maxwell Street Station, and he 1284 took a few days off, he told his superior he was going to take some baths somewhere in Wisconsin, but instead, he was picking up the loads of alcohol, and making a profit, he wouldn't tell who he was delivering it to, except somebody's first name. And he dumped the entire thing. I took his gun away from him and I took his star away from him, he had \$3500.00 in his pocket, but I didn't take that from him. Well, Nolan and his two co-defendants were prosecuted before Judge Barnes before a Jury. The Jury brought back a verdict of guilty. I think one had pled guilty, they brought back a verdict of guilty against the two, and the Judge imposed sentence of five years for Nolan, four years for the other, and three years on the Defendant who pled guilty.

Q. Now, in this Hodorowicz matter, do you remember Agent Bailey bringing you a report which has been marked here with a number? Do you remember the report being a report which is here in evidence, marked 160 and 163?

A. I don't know, I don't know what they are marked. I would like to see them.

Q. I hand you Exhibit Number 160 and 163.

A. I think this is the report. I don't have any way of identifying it, my initials are not on it, but I think that is the report.

I remember going in to see my superior, and being accompanied by Agent Bailey. That was in the spring of the year. That report was absolutely presented. It was discussed between me and the agent and my superior. Later on I did use part of that report in making a presentation to the Grand Jury. A conviction resulted from that presentation; an indictment was returned by the Grand Jury, and subsequently the defendants were convicted.

Q. And the first result, as far as the indictment was concerned, was against whom?

A. Well, it was against—I think it was against three of the Hodorowicz and Clem Dowiat. I don't re- 1285 member exactly, you have the indictments here.

Q. And at the time of presenting the substantive offense to the Grand Jury, did you have with you your report I have just handed you?

A. That is the only report I had in connection with that substantive case.



I think it took about a day to try the substantive case. A day to try each one of them, about two days for both cases. Before the substantive case was tried Frank Hodorowicz came into my office and held a conversation with me. He was in my office twice, I think. I know of two times that I remember, but—no, I beg your pardon, he was in my office the day he made his bond, I think on the returned indictment. Then he was in my office I think in July, well I think he was in my office twice in July, once alone, and once with his brother Mike. I do have a recollection of the conversation between us at the time he was in there on the day he made his bond. Well, I think Special Investigator Burns of the Alcohol Tax Unit was present and I had conversations with Frank Hodorowicz in the building and out on the stairs leading to the outside or on the outside there, and this was the first time I had met him, I said, "So you are the famous Frank Hodorowicz who has been a bootlegger and cheating the law for all of these years." And he said, "Yes." And I said, "Well, this time you are going to the penitentiary, Frank." He said, "No, I am not." I said, "Yes, you are, you made a mistake this time, Frank, you sold some liquor to an agent or couple of agents, and this time you are going to the penitentiary and this time you are going for a long time." And that was the general trend of our conversation, and Special Investigator Burns was present. To the best of my recollection the next conversation with Frank Hodorowicz was some time in July, 1938, which was probably a month or so after he was indicted. He came into my office and he sat down and wanted to talk to me about the case.

1286 He said, "What will you do for me if I plead guilty?" said, "I will recommend only five years for you, Frank, if you plead guilty, because that is the maximum under the Statute." He said, "Why? Why?" I said, "Frank, you have been getting away with murder for a long time and now it just caught up with you and this time you have to go." He said, "No, I have not been getting away with murder." I said, "Well, you got away with Joppek's murder." He said, "I didn't have anything to do with it." I said, "Well, you did, I know you did." He said, "I don't know nothing about it. All I know is Joppek was killed in the explosion of a still." I said, "Yes, this time you are going to the penitentiary, there is nothing going to help you." He said, "They haven't any

evidence against me." I said, "Oh, yes, they have plenty of evidence against you." I said, "I will show you what they got," and I pulled out this report and I told him, I said, "Here is where you made a mistake, Frank, and sold a little liquor to Jim Kominakis." I said, "I am surprised at you, a bootlegger like you are, Frank, to sell to Jim Kominakis." He said "I know Jim Kominakis. I seen him here in court." I said, "You also sold to somebody else," and I pulled out two reports. I read from the report, what it said. He says, "My brother, Frank—my brother, Mike, understands these things better than I do. Do you mind if I bring Mike in?" I said, "No." So Mike came in. Oh, some time after, I haven't any way of knowing. It might have been a week or two weeks, after that first conversation.

Mike came in with Frank, I neglected to tell you in that first conversation with me, Frank said to me, "You should not be so hard, you should not be so tough," I said, "Well, I am not sore at you, Frank, I am not angry at you at all, this just happens to be my job." He said, "Don't you like money?" I said, "Certainly I like money, who doesn't like money?" He said, "Well, I would spend ten thousand dollars to get out of this." I said, "Frank, if you  
1287 spent ten million dollars, it wouldn't do you any good, you are going to the penitentiary this time." Then that is all of the conversation the first time I remember. Then the second time he came up with Mike and I read the report to him and they were trying to make something of the fact I showed him the report. I may have showed him excerpts from the report. My superior told me many times that the prosecution of defendants is not a baseball game, there is nothing secret about it, if the Government has the evidence against the defendant, they should prosecute it. I have heard him tell that to Miss Bailey in my presence. There is no reason in the world, and Mr. Ward has said so, there is no secret about this thing. You don't have to show reports generally; as far as I am concerned, I don't think there is anything wrong with it. I may have shown Mike, I don't know, I don't want to deny responsibility of something I might have done, I might have shown excerpts to Mike. Well, they said, "We don't think we ought to plead guilty if you are going to recommend five years." I said, "That is what I am going to recommend." And they left.

At the first conversation Frank said, "If you don't want

to take any money yourself, why don't you recommend a lawyer to me?" I said, "Frank, that is the old army game, I tell you who to go to as a lawyer, and then you go to the lawyer and the lawyer is supposed to pay me." He said, "Well, you know." I said, "I am not going to recommend any attorney, you will go and get." He said, "How is Eddie Hess," I said "He is a very good lawyer." He said, "How does he stand with Judge Woodward?" I said, "Fine." He said, "I am going to go over to him." Edward Hess entered the case as a lawyer for the defendants. And following the conversation with Mike, Bailey came into my office and I told Bailey I told Hodorowicz I would recommend five years for him if he pled guilty. And in about two weeks later Hodorowicz came to me and he said, "You know, Bailey was out to see Hodorowicz and Bailey said to Hodorowicz, 'What is the idea? That 1288 damned Glasser must be sore at you, we want you only to get three years and he wants you to get five years, what is the matter? Is he trying to get some money from you?' Frank says, 'Why no'—tells me no, nothing like that." When Ed Hess entered the case as attorney it was tried in the regular way. I think I did, conscientiously and properly represent the Government in the presentation of the case and trying of it. Mr. Hess did not in any way try to influence my conduct as against my duty. When the verdict of the jury came in and the case was up for sentence, Mr. Hess spoke of probation. He said to Judge Woodward, "If your Honor please, I would like to make a motion for probation." I said, "Now, if the Court please—" That is as far as I got, because Judge Woodward said, "This is certainly not a case for probation." After the verdict of the jury came in, of guilty, it was the Judge's responsibility concerning the extent of the sentence. I did not make any recommendation to Judge Woodward concerning what I thought the sentence ought to be. I had previous instructions from Judge Woodward he didn't want any recommendations made in his court room.

Mr. McGreal: Can you fix the time of that last?

A. When he told it to me?

Mr. McGreal: Yes, sir.

A. When I was in office about a week.

Mr. Stewart continues examination.

Since I received those instructions I did comply with them. A man by the name of Yarrío, who has been given various aliases, mentioned in here, was brought into my

office by one of the agents for the Alcohol Unit, I think Carl Hambeck. I think that happened more than once. Yarrio was under indictment and the Alcohol Tax Unit couldn't find him so I asked Hambeck when he was assigned to my office to make a special effort to find Yarrio and he did, and found him and brought him up and I said to Yarrio when he was first brought up to me, similar things to what I said to Frank Hodorowicz. I said, 1289 "Before I get through with you I am going to send you to the penitentiary." He said, "Well, you may send me to the penitentiary, but you can't send me on this one it is a bum rap. They have got the wrong fellow. I think we had some alias. I said, "When I do send you, I am going to send you on the right thing." He said, "Well, I give you my word I am not the fellow." So I think I arranged with Hambeck to have the identifying witnesses brought to my office on one of the dates that the case was set, and they were brought to my office and in my office I asked them about this fellow Yarrio. They said, no, that is not the fellow. "We thought it was him, but that is not the fellow." That is the identification I have had. I have done that in a number of cases where I let the identifying witnesses look at them when I have loud protests of innocence. And when they said this is not the fellow, I went before Judge Woodward and I said, "Judge, our identifying witnesses have looked at this defendant and they say it is not him. Now, we haven't any further evidence to offer against this fellow to implicate him in it except the testimony of these witnesses", and the Judge said, "Well, if that is the case, I will dismiss it for want of prosecution." It was dismissed. During the time I was handling that matter I conferred with my superior regularly. I told him I was going to make such a representation to Judge Woodward. I think it was at his suggestion originally. It was his original suggestion when people protest their innocence and I thought they were telling the truth, I should give them the benefit of the doubt and let them be viewed by the identifying witnesses.

I did not ever drive a car, past any barber shop on Polk Street and blow a horn and signal to anybody in there to come out and confer with me or ride with me, or anything like that.

Q. Now, there is another matter that has been mentioned here in the evidence as having been brought into

your office by agents. That is, Joppek. Do you remember whether or not it ever occurred?

1290 A. I just have a faint recollection of it. The most of my memory has been refreshed by what I have heard here in the courtroom.

Well, Joppek's situation was similar to Jurkas' situation, so far as I was concerned. This Joppek was a fellow they said signed the lease and that was the only evidence they had against him, and they said he had not made a statement and they didn't know anything further about it. And I said to Joppek, "Well, we want to find out who the owner is. Do you know who the owner is" and whether he said yes or no I don't remember, but I did say come back in a week, as I did with Jurkas and I did with hundreds of other people.

I had occasion in the performance of my duty to prosecute Svec before Judge Holly and Judge Barnes. Before Judge Holly, he got an hour in the custody of the Marshal; and before Judge Barnes he got two years. It is a fact that after that he took that two years sentence to the Circuit Court of Appeals and was out on bond. He was arrested going by a still on the north side as was discussed here. I did receive a telephone call where he was on the other end of the wire while I was at the Sherman Hotel.

Well, I was at the Sherman Hotel with my friends, some friends of mine had a convention. Somebody answered the 'phone and says, "It's for you Dan." I picked up the phone and I said "Hello." Somebody said, "Hello Dan?" I said, "Yes." "This is Paul," he said. I said "Paul who?" "Paul Svec, he said, the fellow you convicted a couple of years ago." I said, "Yes, what do you

1291 want?" He says, "Well. I got pinched again." "Oh,"

I says, "Too bad, Paul." He said, "Yes, they picked me up tonight. I offered them some money," and he said, "They don't want money." "I told them I know you and they said it was okay if I called you." "I haven't got any money with me, I can bring it tomorrow." He says, "I want you to tell them it's okay."

Somewhere in this conversation he said something about Cassarly. I remember that Agent McFarland testified that I asked him why he mentioned Cassarly's name on the phone, but I said, "Why you so and so, I convicted you twice." "If you are guilty this time, I will convict you again," and hung up the telephone.

I called my home—all of the time that I was in the Dis-



trict Attorney's office, I had an unlisted telephone number and was told at my home that my very good friend, Paul, had called me and wanted to talk to me. It was very urgent. She had told him I was at the hotel.

I then called the Alcohol Tax Unit, Mr. Cassarly answered the phone. That was late at night and I said, "Say, have you got Paul Svec up there, Ray?" He said, "Yes." I said, "He called me up." He said, "What does he want?" I said, "Oh, he wants to pay some money." He said, "I don't know what to do." I said, "If the guy is guilty, I said, why just lock him up and bring him over tomorrow morning, we will take charge of him." He said, "Well, we will do anything you say, Dan." That is what he said.

So, the next morning I came down to Mr. Campbell's office, he was only in the office a couple of weeks at the time, I think, and he wasn't down yet when I got down. I wanted to tell it to somebody, so I went over to see Judge Barnes and told him about it. I don't know whether I told it to the F. B. I. before or not, I said, "I don't know what to do." So, I went back to my office and I called Mr. Ladd, Chief of the F. B. I. Investigation. I told him the story. He says, "Well, what do you want me to do?" I said, "I don't know, I am not a detective," but, "I said, I ought to have some protection." He said, "You know what the rule is, that one department was never to be investigated by another. You are the Treasury Department, we are the Department of Justice, we will get in trouble if we start investigating each other." I said, "I don't want you to investigate it, I only want you to protect me." "Well," he said, "I would protect you if I could do it without looking like I am investigating the Treasury Department." "Well," I said, "I have got a little ante room in my office. I want you to send someone over here, and sit him back of the door." He said, "I will do that." And he sent McFarland over. I had seen him before. I don't remember having any cases with him. After Agent McFarland arrived at my office I concealed him. I told him the entire situation and I had him get into that little private office. I had my stenographer, Miss McGarry, go out of the room. Then the agents who had arrested Paul Svec brought him into my office. I said, "You fellows wait outside, I want to talk to Svec alone." I did



talk to him while I was apparently alone in my office and this agent was hidden.

I said, "Paul, when was the last time before you ever called me, Dan?" He says, "I never called you Dan before last night, Mr. Glasser." I said, "Why did you last night?" "The agents told me to," he said. I said, "Where did you get my phone number, I have an unlisted phone, where did you get it?" He said, "The agents gave it to me." I said, "What is this business about Cassarly?" I say this is my memory from what McFarland said. He said, "Why I knew they wanted to throw me in, that is the reason I put it in, I know Cassarly."

I said, "Did you ever see me outside of this building in your life?" He said, "No, sir." I said, "Did you ever try to fix a case with me?" He said, "No, sir." I said, "Did you ever give anybody any money for me?" He said, "No, sir." I said, "Did you ever send anybody to me to offer me any money or any kind of a bribe?" He said, "No, sir." I said, "Why did you do it?" He said, "Well I just got married; my mother is ill. 1293 These agents that picked me up last night said to me if you don't do this thing, if you don't call Glasser and make this offer to him; you know he is going to give you ten years next time." He said, "I got this two years over my head, I was thinking about my sick mother and my wife, I am sorry I did it." And I said, "I ought to punch you in the nose."

I called the agent in and said, "Take him to the Marshal's office." McFarland came out of that office and he said, "Dan, if I hadn't heard it with my own ears I wouldn't have believed it." I said, "Now you got it." That case came before the Commissioner on preliminary hearing on arraignment, and they talked about the secrets that Mr. Roth knew about Svec and of my having an agent behind the door.

I explained it this way. When I got before the Commissioner the agents were sitting around and the judge in fixing the bond asked one of the agents, I don't remember who, something about the case and what the bond should be and the agent did not answer him right away and I said, "Judge, they are entitled to that. They were up on the telephone all night trying to get people to call me up, trying to get people to offer me money. They can't hear very good today." And after the hearing was over, he kidded about it, how he told so many people

around the building how I had an agent behind the door and that Svec was in there. He told everybody what had happened. Svec was discharged at the hearing.

Q. And what was the reason for the discharge?

1294 A. Well, he told me if he made that call they told him he would be discharged, and when they got before the Commissioner they said that all that Svec did was he drove by the building on Wells Street and looked in the direction of the building.

Q. And upon that evidence of course—

A. Well, they said they followed him and they ran after him and he got out of the car and they chased him and finally caught up with him and he discharged him.

Q. Well, now, I am going to refer you to a case that has been called the Beisner Farm. Do you remember that case?

A. I don't have any independent recollection of it. I would have to see the report. I am sure I have not seen the report and I heard him—

Q. The Beisner Farm case; well, without looking at any report, do you remember making an arrangement with Farbers?

A. Oh, yes, I remember that. I remember that now.

When we were presenting the Beisner farm case to the grand jury we were going to run short of evidence on that case on Rabunas and Dewes and I think it was Ritter, Ritter himself, who got hold of this Novak who was to interview Rabunas and he brought him to my office and he said he had a deal with him. I think it was Ritter. It may have been Campbell, I don't know. I think it was Ritter and he said he had got this fellow Farber who is willing to testify against Dewes and Rabunas and he won't testify against Farber and I don't know, somebody else, that was in the case and he will testify against Dewes and Rabunas and I think Beisner, although I don't think we needed very much more evidence on Beisner. We had it. So we went before the grand jury and the grand jury indicted Beisner, Dewes and Rabunas and ....., but no-billed Wedges, Neiss, Farber and somebody else, four of them were no-billed and three of them were true-billed.

1295 I think I did, at that time, present the case in a proper and conscientious manner. I put all the witnesses before the grand jury that the agent had there, ready to testify. I did not in any way interfere with

their telling the truth, the whole truth and nothing but the truth.

Q. Mr. Glasser, I am going to direct your attention to a case which has been mentioned here, wherein you went over with agent Bailey to the county jail and had a talk with some prisoners. Will you first tell us briefly, did you prosecute those people and do you remember what still was involved? It has been mentioned here, I believe, the Murdock farm, is that it?

A. I think it was up in McHenry County.

That was not a jury trial. That case in McHenry County was a case where Mr. White made the raid and he brought the defendants over to the District Attorney's office and from there to the Marshal's office. I went in to see Igoe and I said: "You know, the trouble in these cases is that the Alcohol Tax Agents don't have the witnesses identify these defendants and when the case comes for trial, they forget." I said: "I think you ought to go with me. Let's go over to the Marshal's lock-up with them on these witnesses here, now, let's get them to identify them right now." So he said: "All right." Then we went over to the Marshal's office, took the witnesses with us, and they identified the defendants in the presence of Mr. Igoe and myself so there could never be any question as to that they suffered from a loss of memory. Then I started to work with White on that case although that was probably outside of the scope of my general authority, yet I did help and when I got to working pretty hard on this case, and White did too, White was relieved of that case and it was turned over to another investigator and then from then on of course the agent did not request my help and I did not do very much on it but I subsequently presented to the grand jury 1296 that case and my best recollection is that twelve people were indicted by the grand jury for that violation. After they were indicted, a number of lawyers came to see me as I remember it, who represented various defendants and I had found out through my working with White, or had a suspicion I should say, through my working with White, that this fellow Nick Aboskicis was in back of that still, so in my conferences with these lawyers I said: "I think we can enter into a deal. I have talked to Mr. Igoe and I think we can arrange it if your defendants will testify against Nick Aboskicis, I think we can arrange some deal."

Q. Will you fix the date of this conversation?

A. If I saw my file jacket on that case I might be able to do it.

Q. As to whether it was before or after indictment?

A. It was after indictment but before conviction. I said we would be more interested in convicting Nick Aboskicis who has been getting away with operating stills so many years, and the Alcohol Tax Unit can't get him and I understand he was under indictment in five different states. He always seems to sneak out. Well, they went back and talked to their clients and their lawyers from Rockford and in those towns out in the western part of the state and they came back and said: "No, these fellows won't do any talking." "All right—"

Before we went to trial one of the defendants was not apprehended, one Alfred Kausanback, he was a man supposed to be an elderly man, I don't know—he was sixty or seventy years old, but we had had him mentioned in a few reports, he was the carpenter. One time he fell in a mash vat and he almost drowned in there, they had a hard time yanking him out, but he had been mentioned in other still cases and we never could just lay our hands on him and I found out that he was from Waupun, Wisconsin and I knew Nick Aboskicis was from Waupun, Wisconsin, so we called in Barney Coonan.

Barney Coonan is special investigator for the Alcohol Tax Unit 1297 who, I was informed, was the fellow to whom all of

Nick Aboskicis had been assigned and up to that point he had not been successful. He was the one that, when they took it away from White, they gave it to Barney Coonan, and I said: "We have not apprehended Kausanback and we are going to trial pretty soon;" And he said: "I will get him." So he left the office and a week later he came in and he did not have Kausanback. I had had the warrant returned unexecuted and had sent it up to the District Attorney's office in Milwaukee with request that Kausanback be picked up for removal and I negotiated with Coonan all of the time, I was after him: "Get Kausanback." And he said: "I can't find him." And I got some kind of an anonymous letter that Coonan did not want to find him and I talked it over with Igoe and he said: "Do you think you can find him?" I said: "Certainly I can find him. A man seventy years old can't be hiding." So he said: "You better go up and get him yourself." So I went up to the District Attorney's office

in Milwaukee and I spoke to the Marshal up there and he didn't know very much about it, as I recall. Well, I said: "I can get him." He said: "Well, go and get him." I said: "He is in Waupun." He said: "That's all right, if you can get him, go and get him." I said: "Where is Waupun?" He said: "How are you going to get him if you don't even know where the town is?" I said: "I will get him. Tell me where he is." So I said: "What is the name of the chief of police?" And he told me, and I said: "Can I use your phone?" He said: "Yes." And I asked him to describe the place in Waupun and he said it was a little town and there was the court house surrounded by a square and I called the chief law-enforcing officer, I guess the chief of police, I didn't tell him who I was and I said: "Is Kausanback around the square?" He said: "Just a minute. I will take a look." He came back and said: "Yes, he is there." I said: "Grab him and throw him in jail. We are coming over to get him." And I sat in the District Attorney's office in Milwaukee while the Marshal went out and picked up Kausanback. Kausanback was 1298 brought back to the District Attorney's office in Milwaukee and he came with Nick Aboskicis's brother, who was going to be one of his bondsmen. I was told that Nick Aboskicis was a sort of Robin Hood up there, he took care of the poor people. He made a lot of money and therefore, in Waupun, everybody protected him, so I had Nick Aboskicis's brother sitting outside while I interrogated Kausanback in the District Attorney's office and got some kind of statement out of him. He would not tell us anything. He would not tell us anything. We tried to get him to call us about who hired him to go out to those stills but he wouldn't say anything. Finally we had a hearing before the Commissioner there. Nick Aboskicis's brother, when he heard I was interrogating Kausanback about Nick Aboskicis, he left the place himself so he was not one of the bondsmen. Somebody else became the bondsman and we had a hearing. I represented the Government in Milwaukee and Kausanback was ordered removed to Chicago and he came to Chicago and we went to the District Court with all our twelve defendants.

Q. Was Kausanback convicted with all of the others?

A. They all pled guilty.

They were all sentenced. After that I had some con-



versation with agent Bailey about going over to the county jail. My recollection is not the same as Mr. Bailey's, although Mr. Bailey may be right about it. I thought it was I that got the letter from Frank Brown it might be that he got it or the Alcohol Tax Unit got it. Anyway after those fellows were sentenced and the Judge had imposed sentences of five years on seven defendants, two and a half years on four defendants and a year and a day on Kausanback, we had some conversations with the defendants. The letter said, as I remember it, it was Frank Brown who wanted to see me. I think Frank Brown wanted to see me, and not Bailey. Now I am not sure. I just think that, and he requested the Marshal to bring Brown in and he brought Brown in, and Bailey and I talked to Brown. Brown said that they wanted to make a deal, that since I had been looking for Nick Aboskicis they were willing to make a deal. They were going to pick one of the twelve defendants and they were going to have him be the fellow who would tell us the story 1299 about Nick and in return for that, all twelve should be allowed to go. I went and had a talk with Igoe and he called—I don't know if he called or I called, but first I had a talk with Igoe and I told Igoe that this probably at first glance looked like a rotten deal for the Government to trade off twelve men who got all these large sentences, for one fellow but that my own ideas were that it would be a good thing and we talked it over and he said I thought I was right. He called Washington. I said: "Now, I am not going to enter into this deal with these people unless I am sure, when I give them my word, I am going to do it, I am going to have it." So he called Washington on the telephone and spoke to Brian McMahon, Assistant Attorney General in charge of the Criminal Division and he told him I wanted to come down, to ask his permission for me to come down and he said I had a proposition to offer which he thought was good and which he thought the Attorney General's office ought to try to help me perform. I came back to my office and called Mr. Herriek and he came over and I think Bailey was there, and Mr. Herriek called up Washington, called the Treasury Department I think and he made arrangements for himself to go down to Washington and talk to the Treasury Department, the Secretary of the Treasury office, with a view to having the Treasury Department okay this proposition. So he went to Washington and I



went to Washington on the same day and we never got to meet down there although we had a couple of appointments, because we spent most of the time warming the benches in the inner office and I finally got in to see Mr. McMahon and he called Lyons over, the Pardon Attorney, and he spoke at great length about the thing and Lyons said:

"You can't make this promise because President Roosevelt just simply won't allow us to make any suggestions. He likes to look into each case himself."

Mr. Ward: Q. Who said that?

A. The Pardon Attorney.

Q. Not the President?

1300 A. Not the president.

Q. I thought it was the President.

A. No. The Pardon Attorney. He said: "The President likes to make up his own mind on these things and he doesn't even want us to make any suggestions, so we can't make any guarantees to what we can do." And I had to convince them how important it was that we go in and they honestly told me that they could not make any promise.

Mr. Stewart: Q. Then did you come back to Chicago?

A. I came back to Chicago and had a talk with Mr. Herrick and he said he had recommended it to his department and I then had a talk with Mr. Bailey. In the meantime my department said: "I think they would let us know if they could do something." And we decided, Bailey and I, to go out to the county jail to have another interview with all of the defendants and we took Miss McGarry and went out to the county jail. They don't have facilities for those kind of conferences, so they took us to the infirmary in the basement in the county jail and there was one or two infirmary attendants there and the guard, the police guard was standing off, and they brought the prisoners down and we talked to the prisoners I think one at a time and we tried to get whatever information we could from the prisoners but we didn't get very far. Bailey said: "Frank Brown said something about Nick Aboskicis having had to run the farm or something." It may be that he said it, but I know that fellow's instructions were to make reports of everything that would happen and I know that fellow never made such a report, at least I never got such a report in the District Attorney's office and I get copies of everything which goes out in the line of reports, they are supposed to go to the District Attor-

ney's office, but I know the defendants told us the other defendants were writing home, I knew what was happening. Every defendant was writing home, that the other defendant was the fellow who was going to do the talking, because they were all afraid when they got out, I suppose,

they would get hurt, so they always wanted to be the 1301 fellow in the firing squad with the blank ammunition, so we had conferences out there and could not get anywhere, Bailey suggested to me: "Make those promises to those fellows. Tell them what we can do. Tell them we can get these commutations for them." I said: "I don't think we can get it over, the way that fellow talked in Washington." "Well", he said, "You can make the promise. They will probably do it." I said: "I am not going to take chances like that—not me—if I give these fellows my word I want to be able to keep it."

The Court: Q. When was that? Will you fix the date?

A. If I could see the jacket of my file I could tell.

Mr. Ward: As to the conferences out in the jail?

The Court: Yes.

Mr. Stewart: Maybe Mr. Bailey can fix it for us.

Mr. Bailey: I can fix the exact date, your Honor. I think it was in July.

The Court: Let me have it.

Mr. Bailey: February 25 of 1938.

The Court: Q. Did you know at that time that Nick Aboskicis was under indictment in the eastern and western districts of Wisconsin?

A. No, sir.

Q. Did you make any inquiry?

A. No, sir. You see my job was strictly prosecuting.

Q. You were interested in getting Nick Aboskicis?

A. Yes, sir.

The Court: All right, go ahead.

Mr. Stewart: Q. Was there any further talk had with the prisoners outside of that one at the county jail that you have just told us about?

A. I don't recollect any more. That is the only time I went out to the jail. I think there may have been one or two more conferences with that fellow Brown but I don't remember.

Q. After your activity in that case, or during it, did you receive any message from Nick Aboskicis?

1302 A. Well, I had a conversation with Mr. Herrick. Mr. Herrick came to me and he said: "Now, we have

an undercover man working in Nick Aboskicis's crowd, and Nick Aboskicis said: 'Who does that redheaded so and so think he is in Chicago, trying to push me around?' He said: 'If he thinks he can send me to the penitentiary, he is crazy. Before I get through with me I will wrap him in a bag and throw him in a ditch.' " And I said to Mr. Herrick: "Those things don't scare me. I am not afraid of that."

Not to my knowledge had I ever seen, in my life, this man Brantman, before he went on the stand. I never had any dealings with him. The first time I heard that he claimed some money was put in his hands by Nick Aboskicis was when I heard it on the stand. I represented the Government in lots of libel cases. I did it conscientiously and tried them on the merits. Kaplan never did get in any automobile with me at any place in my wife. He never talked to me before this case started, or since. I have never talked to him in my life. I first learned from Mr. Ward about Roth going out there into Indiana and having a conversation with that District Attorney Campbell. That was in the early part of July or the latter part of June, when this investigation was going on, about the 15th of June. Mr. Campbell called me over and he said: "I have told those fellows they have got to cut that out, but he won't, and I have instructed Mr. Ward to tell them to cut it out." And the 15th of June Mr. Ward called me in and said: "I have told those fellows they have got to have something on you by the first of July or they have got to cut it out because we know it is interfering with your business and we want them to cut it out." I said: "You know they have been doing it for some time."

Mr. Ward: Q. When was that?

A. That was the 15th of June, 1939 in your office and you said to me at that time—

Mr. Stewart: Pardon me.

The Witness: You are not questioning me now, pardon me.

1303 During the investigation I did have a conversation with the present District Attorney in his office. I had a number of conversations with him in reference to this investigation.

Q. Calling your attention to the time when he showed the report, did that happen?

A. Yes, it did. The latter part of August, 1939.

Mr. Campbell, the present District Attorney, showed me

the report that had been prepared under the supervision of Mr. Bailey concerning this case we are trying now.

Q. Tell us the conversation you had with the District Attorney.

Mr. Ward: The report prepared by Mr. Bailey? Do you understand that question? There was a report prepared by Mr. Bailey?

A. No, I don't know who prepared it.

Mr. Ward: I want you—

A. I am sorry I did not quite understand it.

Mr. Stewart: It may have been my mistake. I said "under supervision of".

The Court: I think my impression was there were two indictments pending in Wisconsin against Nick Aboskitis on February 25, 1938. I will ask the District Attorney's office to check that with the Alcohol Division sometime during the day, to make sure about it.

The Witness: You see I did not get the report from Bailey on that, if there was, Bailey did not report that.

Mr. Stewart: Q. Tell the conversation as you remember it between you and the present District Attorney concerning the cases that we are now trying.

Mr. Ward: I object to that as immaterial, incompetent, what the present District Attorney said to this man about this case.

Mr. Stewart: It is something we are going to follow up that you can see its materiality.

Mr. Ward: If your Honor please, self-serving declarations are not admissible and this is a jury question, 1304 your Honor, for this jury to decide. Now, any statement made by this witness which invades the province of the jury and takes away from them the ultimate facts which they are going to decide.

The Court: I don't care what the District Attorney may have said. The District Attorney is following his duty as a public officer in prosecuting the case.

Mr. Stewart: May we have what was said there, your Honor?

The Court: Yes.

Mr. Stewart: Go ahead, tell us what was said.

The Witness: Mr. Campbell had written me a letter and asked me to come over and see him the latter part of August of 1939 and I came over to see him about four o'clock one afternoon and Mr. Ward was present, Mr. Campbell and I; and Mr. Campbell said:

"The report of this investigation on you is completed now and I wanted you to have an opportunity to see it." And they brought out the report, Mr. Ward handled it, and they showed me various statements that were made by various people and told me certain inferences and when it was all over Mr. Campbell asked Mr. Ward to step out, as I remember it—or might have said it in his presence—he said:

"I want to compliment you, that, after four years of handling the hottest calls in the office, you were able to have such a record. Nobody—"

He said: "Nobody said that you did anything wrong. These inferences they have got in here certainly cannot be used in evidence against you." And I said: "Thank you. I appreciate that very much, Mr. Campbell, but" I said "when is this thing over? I want to start making a living." He said: "It is over right now and I give you my word of honor on it." I said: "Thank you." He said: "Of course, something may develop later which may make me change my mind and if we do get evidence which makes me change my mind I will call you and I will let the fellow who accuses you of anything confront you in my presence with that."

1305 He did not, after that, at any time ever confront anybody to me.

The Court: Q. This conversation was with Mr. Campbell?

A. Mr. Campbell and Mr. Ward.

Q. What part of that recital you just made was with Mr. Ward?

A. None of that. It was with Mr. Campbell, and Mr. Campbell said: "We may present this case to the grand jury as to other defendants and if we do I think it would be a good idea for you to go before the grand jury yourself and tell them that none of these fellows ever offered you any money, nor did you receive any money." He said: "I am probably sold up and down in the street every day." He said: "What public official isn't?" "If I have spent as much time in this office, after I have spent as much time in this office as you, I only hope that they don't say any more about me than they have said about you."

Mr. Stewart: Q. Then did you go before the grand jury?

A. I spoke to Mr. Ward one day and he said: "When

are you going before the grand jury that is investigating this case?" And I said: "Any time". Mr. Campbell had said to me: "Will you go before the grand jury?" I said: "I will shout from the housetops what I did." And Ward said: "When do you want to go before the grand jury?" I had a conversation with Ward previous to that time and Mr. Ward used practically the same language as Campbell and he said: "I want to congratulate you, Dan. Nobody sees you in saloons drinking with these hoodlums. Nobody ever sees you talking with these fellows. I just don't know how you do it."

Mr. Ward: When did this take place?

A. This took place the day you told me to go to the grand jury, or the day before.

Q. As long as I have the date?

A. You have got it now. He said: "I want to congratulate you on it" and he told me all of that story.

When I waited at the outer room for the pleasure of the grand jury I saw Mr. Campbell on that occasion. He 1306 was leaving the grand jury room and he called me off on the side and shook hands with me and he said: "Dan, I knew you were going into the grand jury room this morning and I thought I would go in and put in a good word for you. I wanted to tell that grand jury there was nothing in your official conduct which would require grand jury investigation." I said: "Thank you."

I then went before that grand jury. I had a talk with Mr. Ward at the time that Mr. Ward was presenting to the grand jury, concerning whether my name was up in that investigation before the grand jury as a prospective defendant. He said: "Mr. Yellowley is raising hell because we are not presenting your name and because your name does not appear on the grand jury slip." That conversation was five or six days after you started to present this case to the grand jury.

Mr. Ward: I had that with you?

A. Yes, sir, you had it with me.

Mr. Ward: All right.

A. I said, you had it with me.

(Mr. Stewart continues examination.)

I observed a stenographer taking what I said before the grand jury. I do not have a copy of the transcript myself. I could tell you in substance what my memory is of what I said. When I got in there Ward asked me some prelim-



inary questions, he said to me: "Dan, I don't want you to think I am interrogating you." He asked me about these various defendants, he asked me about Balaban, I remember particularly he said: "You know Henry Balaban?" I said: "Yes, I know Henry Balaban." "How long have you known him?" I said: "Well, we went to the same law school. He went to the same law school I did. He was a kind of hero to us. I was a freshman when he was senior and he was a good speaker." And I said: "That is how I knew him." Ward said: "He is a sort of con man."—Something about "con man" I don't remember. No, that ain't what I mean. He said: "Calling your attention to April 1937, you had some trouble with Yellowley then, didn't you?" And I said: "Yes." He said: "You probably want to make a statement, and 1307 I thought I would give you some place to start from."

So I said to the grand jury that in April of 1937 we had had an investigation which was started by the grand jury and before which grand jury Mr. Yellowley had appeared; that when Mr. Yellowley left the grand jury room he had one of his assistants, Mr. Baker, call the foreman of the grand jury and ask the foreman of the grand jury to come to his hotel, the Congress Hotel room—

Mr. Ward: Your Honor, this is getting into a collateral issue, the same thing they tried to inject into the case, and the Government objected to it and your Honor sustained the objection and I don't see why any different rule applies as to the defendant himself stating this. It throws no light on the issues in this case. It is a collateral issue. It is an attempt to create a false issue in this case and make somebody else the defendant other than the defendants who are on trial, that is what they are trying to do.

Mr. Stewart: Your Honor, Mr. Ward told us—are you through, Mr. Ward?

Mr. Ward: Yes.

Mr. Stewart: I remember Mr. Ward told the jury in his long opening that he made, that he would make a showing, he was going to show the statement Mr. Glasser made before the grand jury. He has not done it. I believe I have a right to get the circumstances.

Mr. Ward: There is a time for rebuttal evidence and this case is not over and Mr. Ward is still given a chance to show the statement, but that statement is not a correct statement, your Honor, because—

The Court: I don't want to bring in any collateral mat-

ters here. I don't really see what bearing it has on it. For the time being that portion of your testimony with reference to what you said about Mr. Yellowley will be sustained. You may tell this jury what you told the grand jury about your connection with this charge in this indictment. I don't care about Yellowley.

1308 Q. When we left for lunch, Mr. Glasser, you started to tell about your testimony before the Grand Jury and the judge ruled that what you had to say about Mr. Yellowley and your troubles with him, can be omitted, or should be. So I will direct your attention,—was anything said, any questions asked you by Mr. Ward concerning Mr. Roth, one of the co-defendants here?

A. Yes, sir.

Well, my testimony was all extemporaneous. There was nothing prepared, I did not know what they were going to ask me. I will relate it as well as I can remember. Mr. Ward asked me something about Mr. Roth, what I thought about Mr. Roth, or what kind of a fellow he was. I said, "He is a lawyer and a very active lawyer; in fact, he is too active. He is the kind of fellow who gets in my hair." I think Mr. Ward asked, "What do you mean? Was there anything he ever did to make him get in your hair?" I said, "No, he is just one of those that gets in my hair." I never was attracted to him and tried as hard as I could in each and every case he had, the same as I did with the other fellows, to get a conviction. As far as I could remember, I beat Mr. Roth in every criminal case he ever tried or represented anybody in.

Then I spoke about an hour and a half. When I was through I said: "Gentlemen, nobody, no lawyer in Chicago has ever offered me any money." "Of course," I said, "I have been offered money by defendants once in a while. I think particularly now of the time when Frank Hodorowicz wanted to give me ten thousand dollars; but no lawyer ever offered me any money or promised me any money." I said: "I don't know exactly what your investigation consists of, so I can only make a sort of general statement to you. If you will be specific and ask specific questions, I will be very happy to answer specifically. I will appreciate any of you gentlemen asking me questions." There was a pause of about a minute or so. No one seemed to feel disposed to ask anything, so I arose and left the Grand Jury room.

1309 I had occasion to meet Mr. Yellowley in July, 1937  
I had a conversation with Mr. Yellowley in July of 1937.

Q. Tell us the substance of that conversation, as you now remember it.

A. The Grand Jury I was talking about was the September, 1937 Grand Jury.

Q. I will direct your attention to the conversation you had with Mr. Yellowley in July of 1937, after another Grand Jury matter. Will you tell the substance of that conversation?

A. It was in front there, out in this very corridor. He said, "Mr. Glasser I will get you, if it is the last thing I ever do."

Q. I will go back to the case that was mentioned here, involving Walter Hort. Do you remember who the co-defendant was in that matter you presented to the Grand Jury?

A. Walter Hort and Pete Hodorowicz, I think you mean.

Walter Hort and Pete Hodorowicz were arrested sometime in January of 1937, and were taken to the Commissioner in Hammond. They had a hearing there before the Commissioner in Hammond, and he dismissed it for want of probable cause. Some days later—I did obtain a certified copy of that proceeding.

Mr. Stewart: I will have it marked with the next number, 204.

(Document marked as requested.)

That is the certified copy of the proceedings obtained by me, I got this from the United States Commissioner in Hammond.

(Whereupon DEFENDANT GLASSER'S EXHIBIT NO. 204, being a certified copy of the proceedings concerning Walter Hort and Pete Hodorowicz, before United States Commissioner in Hammond, Indiana, was offered and received in evidence, and made a part of the record herein.)

Well, some days later,—of course, I did not know about this Hammond thing at the time—Mr. Smallwood, as I remember, and another agent came up and asked for the issuance of a warrant against Pete Hodorowicz and

1310 Walter Hort. I would have to make reference to the docket or the Commissioner's file to know exactly the dates on this thing, but we had a complaint issued

and had a hearing before the Commissioner, and the defendants were held to the District Court in January, I think, of 1937. About six months later, I presented the matter to the Grand Jury.

Q. And as a result, the Grand Jury voted a true bill in—

A. That case against Peter Hodorowicz and Walter Hort at the time I presented it.

Q. Did that stand in that condition or was something done by the Grand Jury?

A. I had another talk with Mr. Smallwood. He came up and said, "What happened in that case?" I said, "Well, I think they voted a true bill." He said, "I think you better withdraw it from the Grand Jury. If there is any way you have of not writing the indictment and not getting the fellows indicted, I think you ought to withdraw it, because our office is going to try to work up a big case against the Hodorowiczs, just as you wanted, and they want to use part of this case in that other case. It would be best if you withdraw it."

After that I withdrew it. That is the only reason I withdrew it.

Q. There has been evidence here of a case where Peter Hodorowicz was arrested and was taken before the Commissioner, and Mr. Balaban represented the defendant and made a motion to suppress. Do you remember that, in the case where that motion was allowed?

A. Is that the wrong address on the search warrant?

Q. That is it. Tell us about that, please.

A. I think that was the case where there was two defendants, I think Peter Hodorowicz and Clem Dowiat. I am not sure, but it was one of those Hodorowiczs. I remember the instance as to the wrong address on the search warrant, and Mr. Balaban had made a motion to suppress; and I would like to say at this time, I had nothing to do with the drawing of search warrants. I had changed the practice as it was when I came in the office. The 1311 Alcohol Tax agents would draw the search warrant.

I never saw them until after they were executed.

Mr. Balaban made his motion, it was entered and continued over to the next day or some future day. For this reason, I always asked the Commissioner to allow me time to look the motions over before we heard them, because the defendants always had a chance to draw their petitions and I would come into court cold, you might say, not

knowing what the defense was going to be; and then, to have to present the defense to my superior, I felt I ought to be entitled to some time, and I suppose he did, too, because it was put over until the next day; or he may have heard the evidence that day, I don't remember exactly. The Commissioner allowed the motion and discharged the defendant.

Prior to the time the Commissioner allowed the motion, I did not know what the action of the Commissioner was going to be. I thought he would dismiss it, but I did not know.

Q. There has been testimony concerning an \$800 payment to Mr. Kretske and Peter Hodorowicz testified, as I remember, that he rode up to the North Side somewhere and Mr. Kretske got out of the car and then came back in and said he had given money to you. Did you receive any such money?

A. No. That was not my home. Mr. Ward and Mr. Campbell both told me they knew that was not my home where Hodorowicz said we went.

At that time I was living at 3430 Parker Avenue. It was an apartment building of six apartments. The original statement of Frank Hodorowicz was shown to me last August by Mr. Campbell, says that the place the alleged ride culminated was a court building. I was not living in a court building at the time. There was not a saloon nearby, on the next corner, at that location where I lived. I did not know anything about a defendant in a liquor case, by the name of Albina Zarrattini, a woman. I did not know about those trips Mr. Roth made to Indiana before they were made. I first learned about them when I had a conversation with Mr. Ward last July, and he said something to me about Mr. Roth being a damn 1312 fool, going to Indiana and trying to offer money to the District Attorney.

Q. Now, there has been evidence given here concerning the return of a No-Bill against Raubunas in the Spring Grove case. Did you, in the performance of your duties, present any case in which Raubunas was indicted?

A. Yes, I presented at least one.

That was the Beisner farm case. Of course, in that case, Raubunas, Dewes and Beisner were indicted by the Grand Jury where I presented the evidence. And it was carried on after I left the office. It is a fact that somebody came up and made a present to me of a case of



whiskey. Well, I am told here it was Christmas of 1937. When the whiskey was delivered a fellow came in with a case of liquor and laid it down. I said, "What is that?" He said, "Some of the boys sent it down." I did not know who the person was, making the delivery. I opened the case and passed it out to some of my associates in the office and around the building. I did not take any home. I did not know at that time who it was from. I did have a conversation with Frank Hodorowicz after he was convicted. It was about in March, 1939. My secretary may have been present, I don't remember. It took place in my office, Room 857 in this building. Frank Hodorowicz said: "Bailey has been out to see me time and again. He says if I tell him something about you, he will keep me on the street. As between you and Bailey I like you better, so I will tell you about Bailey and you keep me on the street." I said, "Frank, I don't do business like that. Just a minute." I went to the front office, which was in the same wing Mr. Campbell's office was; I talked to Mr. Canaday, who was the First Assistant District Attorney. I told him of this conversation and of all the things I had been hearing that Mr. Bailey had been attempting to do. I said to him, "I am a little afraid of this fellow. He is willing to spend so much money and will probably tell Bailey some fool story about me. Since he is in this office and may be in the mood of telling a story, he 1313 will give you a true statement." Mr. Canaday says, "They never can pull anything like that." I said, "I am trying to protect myself from a thing like that. I don't want to take the statement from him myself, but I would like to have you take it." He said, "Don't be foolish," so I said, "All right, Warren," and did not take it. That was in March of 1939. I have never been in Mr. Kretske's private law office in 7 South Dearborn Street, in my life.

Q. Did you have any communication with Mr. Kretske as you were handling cases after Mr. Kretske left the office of the District Attorney?

A. I had some communication, conversations with Mr. Kretske. He left the office in 1937. We had been very close friends. I say we had been very close friends, but not any closer than Mr. Ward and Mr. Kretske, but we were close. We had been working together and I was seeing him often, but as time went on, my visits with him, the intervals would get greater until in 1938, for many months I did not see or talk to him.



I did not inform Mr. Kretske after Mr. Kretske was out of office, concerning my actions as District Attorney, and what was being done and what was going to be done in cases I was handling. I never was in Mr. Roth's office up to the time of the preparation of this case for trial. I was not even there until about three months after I was indicted. I was there about twice. I don't know a thing about the Montana removal case mentioned against Boguch.

Q. Now, in the Kwiatkowski case, there has been introduced here a report which came along from the agents after Kwiatkowski was discharged before the Commissioner. Do you remember receiving that report?

A. No, I don't remember that report particularly. I can't honestly say I remember much about that Kwiatkowski case.

If anybody took any money to fix any case I had charge of, I did not know anything about it during the time 1314 I was an Assistant United States Attorney.

Q. This indictment charges you conspired with these people on trial with you and other persons unknown to the Grand Jury. Did you know of any such conspiracy?

A. No, sir.

I did, while I was an Assistant District Attorney, make reports from time to time concerning disposition of cases in my charge.

Mr. Stewart: I will have these marked Numbers 205 and 206.

(Documents marked as requested.)

I made that memo, No. 205, headed "Memorandum for Mr. Campbell concerning No-Bills Returned." It was my practice to make those memos and those reports to my superiors, who have been three superiors, Mr. Green, Judge Igoe and Mr. Campbell. I never made them to Mr. Green, but I did to Mr. Igoe and Mr. Campbell. That one went to Mr. Campbell.

Q. No. 206 appears to be a carbon copy of a letter addressed to Mr. Igoe; and is that the general character of the letters you wrote from time to time, reporting your activity and disposition of cases handled by you, to your superiors?

A. Yes, sir.

"Those reports were complete and covered everything I did as I went along.

Q. The one I hand you does not purport to cover all

the time involved in this case, but are there others covering all that time?

A. I don't have them, just those that Miss McGarry put in out of my personal files, is what I have here. The District Attorney would have the others.

There were such reports made, covering all my activities. It is a fact that Judge Igóe gave me one particular bit of instruction which he gave to all the Assistant United States Attorneys, and put in the form of a card which he had framed. I had one in my office. Mr. Ward had one and all the attorneys.

1315 Mr. Ward: Did I have one framed?

A. Yes, sir.

Mr. Stewart: Q. Did you keep one for yourself?

A. Yes, sir.

Mr. Stewart: Mark this No. 207.

(Document marked as requested.)

Exhibit No. 207 is a copy. I had it typewritten. Mr. Ward will recognize it, I know he will. I did, in the preparation of this case for trial, obtain a certified copy of the conviction of Vitale in the State Court.

Mr. Stewart: Mark this No. 208.

(Thereupon document was marked as requested.)

Exhibit No. 208, is the certified copy I obtained.

Mr. Ward: The Government has no objection to that, but I cannot say that I did have it framed.

The Witness: No, you did not have it framed. That is one thing you did not frame.

Mr. Ward: I would not move to strike that remark, Dan. I would not dignify it by striking it.

The Witness: A. Well, I wouldn't get in a fight with you, I would get bawled out.

The Court: Let us conduct this hearing in a dignified manner.

Mr. Stewart: May I read this, your Honor?

The Court: Yes.

Mr. Stewart: (Reading Exhibit No. 207).

Thereupon there was offered and received in evidence  
DEFENDANT GLASSER'S EXHIBITS NUMBERS 205,  
206, 207 and 208.

1316 Mr. Stewart: Q. Now, Mr. Glasser, I have endeavored to cover what struck me as the high places in the case produced here, and have asked you about your activities; and without taking up further time, are you

now ready and willing to answer as to any conduct of yours which may have been questioned?

A. Yes, sir.

Mr. Stewart: I will turn you over for cross-examination on that basis.

*Cross-Examination by Mr. McGreal.*

I live at 6125 N. Washtenaw Avenue since the latter part of September, 1939. Prior to that time I lived at Michigan City, Indiana, last summer, and prior to that 3430 Parker Avenue, Chicago. I lived at 3430 Parker Avenue all the time I was in the District Attorneys' office. I moved into 3430 Parker Avenue on the 1st of May, 1935. I did not graduate from Loyola University. I finished there in 1925. I did not graduate from DePaul, not from either university. I finished Loyola in 1925. I was admitted to the Bar in 1932. I was in some business from 1925 to 1932, not connected with the law profession. I was the Assistant United States Attorney in charge of the seizure of the still on the Murdock farm in McHenry County. I think Mr. Cloonan of the Alcohol Tax Unit was the agent in charge of the case. It was Mr. Sylvian White originally, but Mr. Cloonan wrote the report. He made the seizure and Mr. Cloonan wrote the report. White was the man from Detroit referred to yesterday as a good agent. He made an effective investigation and as a result twelve men were convicted in this court. Mr. Bailey was correct in stating that he had a conference with me regarding Mr. Brown, who was involved in that case—at least one conference was held in my office, and one at the County Jail, where my secretary was present. I don't remember if we got a signed statement, or what it was. I could not say positively, I don't remember, if Brown did state that Nick Aboskitis was connected with that 1317 still on the Murdock farm. I don't remember. I heard Mr. Bailey testify. He testified to that. It is probably true. He was probably correct. I think that is right. After that conference with Brown and other conferences with the twelve prisoners, I went to Washington. I don't know when it was that I went to Washington,—it was during the time they were awaiting removal of the various prisoners after their conviction. I had a conference in Washington, in the office of Mr. Brian

McMahon, the former Assistant United States Attorney General. The Pardon Attorney was present. We had a discussion regarding the twelve men who were convicted in that case. I was not successful in my application to reduce those sentences.

Q. And therefore, did not need this information you got from these twelve prisoners and Mr. Brown, is that right?

A. Well, I suppose the answer is no. I did not need it.

Q. You did not need it?

A. I suppose the answer is no to that. It is hard to answer that question.

I heard about Nick Aboskitis' connection with the Murdock farm in McHenry County. I can't state the time. I will have to make it with reference to the seizure. That information did not come to me as a result of that conference with Mr. Brown and Mr. Bailey.

Q. You knew about it before?

A. I knew about it from the agent.

Q. Prior to the indictment in this case I referred to?

A. When you say, did I know about it, I don't know what you mean.

Q. Did you have any knowledge of Nick Aboskitis' connection with the still on the Murdock farm in McHenry County, prior to the time the Grand Jury returned the indictment naming those twelve men?

A. If you are asking me about legal knowledge, I don't know what to say.

Q. You don't have to say anything. Did you have any knowledge?

A. No.

Q. When did you first receive any knowledge 1318 about Nick Aboskitis' connection with that still?

A. I would have to explain that. What do you mean by "knowledge"?

The Court: I think you know what he means.

A. I don't know for this reason—

The Court: Q. Did you have that information?

A. Yes, I did.

Mr. McGreal continues cross-examination.

After I had that information I journeyed to Wisconsin. I went to Milwaukee, Wisconsin. I was sent by my superior. I did not tell my superior I was going to arrest Nick Aboskitis. I heard my superior testify. It was not his impression that I was going to Milwaukee to arrest

Mr. Aboskitis. I went up to Milwaukee to get man by the name of Kausanbach.

Q. Did you meet a United States Attorney in Milwaukee by the name of Keller?

A. I don't remember his name, I met some agent.

I did apprehend Kausanbach. He is an elderly man, I would say seventy. I did not bring him back. I did not go to Waupun, Wisconsin, as a result of my efforts to bring him back. I did telephone to Waupun, to the chief of the law body there, I don't know whether he was chief of police or what.

Q. As a result of your telephone call to Waupun, Wisconsin, Mr. Kausanbach was arrested, was he not, and tried with the other eleven in that case?

A. They were not tried, they plead guilty.

I don't remember if all of them entered a plea and were disposed of on the same day. I do not remember whether or not Mr. Kausanbach was disposed of separately. I think he was disposed of at the same time. I do not remember presenting that case to the Grand Jury in this District, but if I saw the file I might remember it. I do not remember how many indictments arose out of the seizure of the still on the Murdock farm in McHenry County. I don't remember if 1319 there was one indictment. I don't remember if there was more than one. I still say I don't remember if there were two. I still say I don't remember if there were three. Nick Aboskitis was not indicted. Not to my knowledge was his matter ever presented to the Grand Jury of this district. Not to my knowledge was he ever arrested in this district.

Q. Did you know he was subject to two indictments in the state of Wisconsin? At the time you were up there?

A. My only knowledge was from Mr. Bailey, and he did not give it to me.

I do not know William Brantman. Not to my knowledge did I ever see him in my life.

Q. What do you mean, not to your knowledge?

A. Well, I am pretty active in civic affairs, and get around to a lot of places.

My best answer is I have not seen him, I don't know him. I do not know William Brantman. I am pretty sure of that. I saw the man here on the stand. Not to my knowledge did I ever see him before. I don't remember him. When he walked in I asked if they knew who he

was. Not to my knowledge did I ever see him prior to that time.

Q. What do you mean, "not to your knowledge"?

A. I don't recall, that is all.

I might have met him, I handled thousands of people up here. I don't remember him at all. I don't know the building where his office is located. I do not remember what address he gave. I don't remember if he said 10 South LaSalle Street. Really, I don't remember. I belong to the American Legion. I never did see Mr. Brantman in connection with any of the Legion affairs. I do not know of any connection he might have with the Legion. There is a Federal Post of the American Legion, I have been to that Post, too. I met some of the officers of that Post. I never met Brantman there. I never saw him, insofar as I know.

I do not know Albina Zarrattini.

1320 Q. Did you have any conversation with her?

A. My answer would be the same. I was told in this room, here, that she was a defendant in a case I prosecuted in this district, but I don't remember her. I don't remember her. I think Mr. Ward stated what disposition was made of her case, but I don't know. I don't know. I never did make the statement that "Albina Zarrattini talked too much," and, "take the six hundred dollars back."

Q. What was that message that Nick Aboskitis sent back after he learned you were searching for him in Waupun, Wisconsin?

A. With Mr. Herrick?

Q. The message you talked about on direct examination, state it the way you stated it this morning.

A. I might not get the commas in.

Q. Well, leave out the commas.

A. Mr. Herrick came to my office and said, "I have an under cover man"—

Q. Just state what the message was that you testified to this morning.

A. I am trying to tell you.

Nick Aboskitis was quoted as having said, "Who does that redheaded so-and-so in Chicago think he is?" He called me redhead. Not to my knowledge had he ever seen me. I never had any business dealings with him. I had never met him. I never saw him before. I knew he had some connection with the Murdock farm.



I don't remember the case that Pete Hodorowicz was in with Walter Hort.

Q. On January 12th, 1937, that you talked about on direct examination?

A. Yes.

Q. You presented that matter to the Grand Jury in June of 1937?

A. I would have to see the records to answer that.

There is a stipulation in the record that I presented the matter to the Grand Jury in June of 1937, and 1321 that the Grand Jury voted a true bill; I remember that. At my request the matter was withdrawn without indictment. It might have been the next day after the Grand Jury voted a true bill that I withdrew the matter, I don't remember. It was not a year after. The Grand Jury only sits for one month. I don't know when I withdrew it. I do not remember other than what Mr. Smallwood told me. He is dead. I do not remember Mr. Donohue, who testified here. I don't remember seeing him on the stand.

Q. He testified, do you remember, that he was disguised and came up from Indiana and followed the Hodorowicz and took them to Hammond?

A. I remember.

I don't think I talked to him after I withdrew it from the Grand Jury. He is still alive. I do not remember Clem Dowiat, No-Bill. I do not remember that Clem Dowiat was arrested as he was coming from the still at 120th and Ashland Avenue, by Agent Amis. I do not remember presenting that matter to the Grand Jury.

Q. Do you remember seizure of the still at 120th and—

A. You will have to tell me the name of the case. I don't remember all those things unless I know the case by name.

Q. Do you recall the case where Mr. Balaban appeared to suppress the evidence?

A. Is that the one with the wrong address on the search warrant?

Q. 118th Place, did they have the wrong address?

A. They had the wrong address.

They found a still when they went to execute the warrant. I think they found a still next door to it. They did have a search warrant for one of the stills. They raided the wrong one. That was not my contention before the Commissioner. I represented the Govern-

ment. I did resist that contention. The Commissioner sustained the defendant's counsel, as he should have done. That is right, I introduced here a certified copy of the discharge out at Hammond before the Commissioner.

Q. Was that because the men were discharged at Hammond? Was that the reason you did not proceed with the case?

1322 A. That was not the same case.

Pete Hodorowicz and Walter Hort were the defendants in Hammond.

Q. Who were the defendants in the Grand Jury's true bill that I am talking about?

A. I don't know what you are talking about, which one you have reference to. This was the one I withdrew, Peter Hodorowicz and Walter Hort.

Q. Are these the same two that were defendants at Hammond?

A. Yes, that was the same case. I thought—

Q. It was the same case?

A. I beg your pardon?

That is not why I did not go ahead, because they were discharged at Hammond for want of probable cause. I will say that I did have a conversation with Miss Jeffrey regarding the Hodorowicz indictment, because she told you that. I don't remember that I told Miss Jeffrey to mark her records on the Peter Hodorowicz, No. 31013, and 31014 was the same case as this, my answer is only yes, because she said so. I know that No. 31013 and 31014 charged Hodorowicz with the possession of 35 and 25 gallons of alcohol. I knew then that those indictments did not cover the arrest of January, 1937, and I know it now. The first time I met Frank Hodorowicz was after I indicted him, I think in June of 1938. The dates I can't remember very well, I had too many cases.

Q. Was that after the case had been disposed of before the Commissioner, of the still at 120 East 118th Place?

A. You got me on those addresses, Mr. McGreal. Is that where they had the wrong address on the search warrant?

Q. Did you meet Frank Hodorowicz for the first time after that case had been disposed of by the Commissioner, on the still at 120 East 118th Place?

A. If you tell me the date it was disposed of, I will—

Q. Don't you know when it was disposed of?

A. No.

1323 Q. You were furnished with a bill of particulars in this case, were you not?

A. I hired a lawyer. He was worrying about that.

I was worrying about it, I didn't sleep three months. I examined the bill of particulars. That gave me the date, but—

Q. Can you tell me if you met Frank Hodorowicz for the first time after that case had been disposed of by the Commissioner, on the still at 120 East 118th Street?

A. I can't tell you unless you show me the record.

Q. You have no recollection of the dates?

A. I have an independent recollection of when I met Frank.

I lived at 3430 Parker Avenue in September of 1937. Oh, yes, I do remember that.

Q. That was the night before this case had been disposed of by the Commissioner, was it not?

A. If you will show me the records—

Q. If the records show the case was disposed of on the 23rd, is that correct?

A. I would say the night before was the 22nd, yes.

Q. If Frank Hodorowicz said he met Kretske the night before and Kretske said, "You have to have the \$800 to-night or your case will be thrown out before the Commissioner," is that correct?

A. What Frank Hodorowicz said to Krestske? I wouldn't know.

I did not meet Mr. Kretske in front of that apartment that night. I did not ever meet him in that neighborhood. I did meet Mr. Kretske at night at some time, I imagine I did since he left this office. I did not see him very often. I did not go out nights with Mr. Kretske, not twice a week, not twice a month. I don't think in the evening. I will answer yes, once in six months, more than once a year. I think I am safe in saying that after Mr. Kretske left the office I never met him at night. I never, at any time, at night, after he left the office. I did meet him during the day, as often as I would bump into him, if we were walking on the same street. I don't know how often

1324 he and I would be walking on the same street, I can't answer that question. I had no stipulated time to see him. After he left the office, I don't believe I ever rode in an automobile with him.

Q. Are you sure of that?

A. I am not sure of anything, except that I am on trial. I would meet Mr. Kretsch from time to time and have conversations with him. I did not meet Mr. Roth occasionally. When Mr. Roth got out of my office, I was always happy. I told Mr. Roth that Mr. Bailey got run out of a court room down South, after I left the office. I did tell him that.

Q. Mr. Roth said it was four or five months before he went down to Indiana.

A. I can't be responsible for what he says.

Q. Was he right when he said that?

A. I don't know. I left the office on the 15th of April.

Q. You heard Mr. Roth say you told him that Mr. Bailey was run out of a court room down South, and that it happened four or five months before September of 1938?

A. Yes, sir.

Q. And you don't know whether Mr. Roth was lying about that?

The Court: Did you make that statement to Mr. Roth?

A. Yes, sir.

Q. When?

A. In the summer of 1939.

Q. Where did you get that information?

A. I got that information through some rumor around the building.

Q. From whom did you get it?

A. I don't know, there are lots of rumors going around all the time.

Q. Did you make that statement about that time? Don't you know?

A. I think it is true, there is no question about it.

Q. Why do you think it is true?

A. Because I heard it so much, Judge.

1325 Q. Was the person who told you, someone in whom you had confidence?

A. No.

Q. But you still believe it?

A. Rumors that are repeated so often usually are true. Mr. McGreal continues cross-examination:

I do not remember the Kwiatkowski case. I remember Kwiatkowski testifying. I do not remember when the case report came into my office. I may have seen the case report introduced in evidence. I don't know that that report showed that Kwiatkowski had \$4400.00 in the South Chicago Trust & Savings Bank. I probably didn't even

read the report. It is not true that when a sum of money is found in the possession of a defendant, that the Government will seize it. That is absolutely not true.

Q. That \$4400.00, or no part thereof, goes to the Government?

A. That money is not ear-marked for the Government.

Q. Is there not a lien on the bank account at the South Chicago Trust & Savings Bank—

A. I don't know a thing about it.

I heard the Cashier testify. I assume you don't mean the knowledge I received in this room. It would not necessarily be my duty to know if that case report showed he had \$4400.00. I had case reports coming into the office every day in stacks. My secretary, Miss McGarry, would handle them. I was quite busy. When a case report would come in, on Kwiatkowski, for instance, when Kwiatkowski would be arrested, they would bring in a letter saying, "These are the facts upon which we made the arrest, and a case report will be furnished you some future time." We would go before the Commissioner, and after the Commissioner discharged him and then the case report came in, I wouldn't even read it. I didn't have time, I was too busy. However, if Mr. Ritter—I do not remember the Kwiatkowski case report coming in. I do not remember the hearing before the Commissioner. I do not remember asking for a continuance because I was waiting for information. I don't remember if I did not ask for a continuance. I did not know that Tony Horton was the bondsman in the case. I did know that Mr. Balaban was the lawyer representing Kwiatkowski if he was in the courtroom. Not from my independent recollection do I remember Mr. Balaban filing a motion to suppress. I do not remember that case, I have no independent recollection at all.

Q. You tried the case before the Commissioner, didn't you?

A. Yes, hundreds of them.

Q. Do you remember now that the Government lost that case?

A. I know, because you told me here that it did.

It was not the practice in some cases, in my experience, where the Commissioner had discharged a defendant, to present the matter to the Grand Jury and get an indictment. It never was my practice. It is possible to have it returned to the Grand Jury even though they were dis-

charged. I wouldn't know if I at any time presented the Kwiatkowski matter to the grand jury. I did not receive a supplemental report by Mr. Goddard, giving me additional evidence.

Q. You don't recall the case at all, do you?

A. I can explain, if I may.

When a man was discharged by the Commissioner, I probably would have read the report, and I would have no further interest in it; but if Mr. Ritter felt the case ought to be presented to the Grand Jury, he would probably come and see me personally. If a supplemental report came in, my secretary would put it in the file with the regular reports, and I wouldn't even see it. I was too busy to read those reports, except those I was prosecuting. I was not prosecuting this one, not after the Commissioner discharged them. I may not have ever read the case report. It was not in my possession when I had the hearing. The matter was disposed of and then the case report came in. I suppose my secretary put it in the file, the same as she always did.

Q. Did Agent Goddard discuss that case with you 1327 with the view of presenting it to the Grand Jury?

A. Mr. Goddard had no authority to—

The Court: Did he?

A. No.

Mr. McGreal: Q. Did you discuss it with Mr. Ritter?

A. I don't remember.

Q. Did you discuss it with any member of the Alcohol Tax Unit of the Treasury Department?

A. I started to answer, and you wouldn't let me.

Not to my knowledge did I discuss it with any member of the Alcohol Tax Unit of the Treasury Department. As I sit here now, I have no independent recollection of the case. I heard Mr. Kwiatkowski testify that the case cost him \$1075.00.

Q. Tony Horton was there when the case was disposed of before the Commissioner, was he not?

A. What I heard—

Q. Tony Horton was there when the case was disposed of before the Commissioner, was he not?

A. I don't even remember Kwiatkowski being there.

Q. Now, do you remember the seizure of a still at 120 East 118th Place?

A. Where they had the wrong address?

Q. Do you remember that case?



A. That is the one, I only have it in my mind.

Q. There was a case where Peter Hodorowicz and Clem Dowiat were arrested, and charged with possessing that still, and John Wrablewski escaped. Do you remember that case?

A. I don't remember that way at all.

Q. This was a case of the seizure of the stills adjoining each other.

A. No, only one still.

That contention was raised I think by Balaban, 1328 who was the lawyer. If you will let me see the paper I can tell you. I guess I did have an argument with Balaban on the law on that matter.

Q. What happened to the case?

A. What happened to this?

Q. What was the disposition of the case?

A. Don't you want to hear the wording of it?

Q. What was the disposition of the case?

A. The motion was allowed.

Q. You do remember that case very well, don't you?

A. I remember the case very well, if you will let me explain it.

Q. You can explain it on redirect. You don't remember that case of Kwiatkowski?

A. I don't remember.

I don't remember the case of the arrest of Peter Hodorowicz. I do remember a charged placed against them as a result of that case. That is right. I have a recollection of that case distinctly.

Q. You remember an explosion of a still at 119th Street, do you remember anything about that?

A. I never had them by the addresses.

I had them by names of defendants. I remember Elmer Swanson, but I don't remember Del Rocco. I don't believe he was a defendant when I was in there. I remember Agent Goddard and Smallwood and Frank Joppek in my office.

Q. Right after that still exploded, not long after it; do you remember that?

A. I don't remember it.

I don't remember it, I don't remember telling Agent Goddard and Smallwood at that time: "We don't arrest guys for that." But I probably said it. I heard Christ Del Rocco and Elmer Swanson testify they paid five hun-

dred dollars to Tony Horton so that they would not be arrested.

Q. They were not arrested in that case, were they?

A. I was not the detective. I was the lawyer.

1329 Q. You were the detective when you took the sixty-seven year old man and brought him back from Milwaukee?

A. I was but it was an indictment and I knew the agents were trying to fix the case.

Q. And Brantman winds up with three thousand dollars of Aboskicis's money which he gave to Kretske?

A. He was not there.

Q. Didn't you say you heard the witnesses testify?

A. And I say that I saw what Brantman looked like too.

Q. You heard Kretske say he recommended them for the cooperation, didn't you?

A. But I heard Kretske say he did not get the three thousand. I believe Kretske against Brantman.

Why certainly I believe him. I never saw Brantman.

Q. Sylvan R. White was the agent in that case?

A. In which case?

Q. The Murdock farm case, the McHenry farm case?

A. Could I see the report in that case?

I think White was the agent but they took it away from him and gave the case to Cloonan. He was a fine agent. That case he handled was done very well and that is the reason they took it away from him. I don't remember who was the agent in the Spring Grove case. I think it was Sylvan White. He testified before the Grand Jury. He was a good agent.

Q. Any case he brought in was a good one, isn't that right?

A. That is a conclusion.

Q. You just said any case he brought in was a good case didn't you?

A. Yes, I said it was a good case in the Murdock farm case.

He did not present to me the evidence for indictment in the Spring Grove case. He gave me the case report. I read the case report. I don't know the defendants' names.

I don't remember the defendants in the case. I  
1330 handled thousands of cases. Yes, thousands of them in this building.

Q. As a matter of fact you handled ten hundred and fifty-eight cases in all the time you were here?

A. In the District Court?

Q. In the District Court.

A. That's right in the District Court.

Q. There wasn't any thousands of cases.

A. Thousands of them.

Q. Ten hundred and fifty-eight cases.

A. This note we had today said I had ten a day.

Sylvan R. White testified three or four times before the Grand Jury in the Spring Grove case. Joe Cole testified before that Grand Jury. That was my duty to bring to the attention of the Grand Jury the fact that he had some mental disability. I told White I thought Cole was crazy, and I did so. And I thought he was the principal witness in the case.

Q. And yet you indicted him?

A. I had to indict him.

Q. You indicted a crazy man in that case, didn't you?

A. Do you mean I indicted him?

I did not tell the Grand Jury, under the rules of the Department of Justice, crazy men when known to the assistant district attorneys were non-indictable. Can I tell why? It is true when I have knowledge of the fact that the man is insane that under the rules of our department, I should not indict him, and I have a duty to tell the Grand Jury. I have a duty to tell the Grand Jury that the man is insane and he should not be indicted. Can I tell why he was indicted in that case? I think Raubunas, Dewes and Kaplan were no-billed. I have only learned that since I came here in this case. Cole was the witness that could gain a conviction against Kaplan. He was the only witness as I remember it who could gain a conviction against Kaplan. I remember Frett. I first learned about the no-bill as to Raubunas, Dewes and Kaplan after they were no-billed. The District Attorney's Office, at my suggestion, quit giving us the no-bills and the true bills during the month. I would learn about the true bills and the no-bills during the month because I had the indictments, during the month the Grand Jury was still in session.

Q. You learned that the grand jury returned a no-bill as to Kaplan, Dewes and Raubunas shortly thereafter?

A. I think one of the grand juries that I presented it to a couple of times—

Q. That grand jury did?

A. Which grand jury?

Q. The one Mr. Coates was foreman of voted a no-bill, didn't it?

A. Yes, he said it did.

I don't think I did from that date until the time I left the office ever re-present that matter to the grand jury. That is possible in a case where one jury returns a no-bill, I have the right to present it to a succeeding grand jury, if I see fit, and that grand jury to return an indictment. I don't think it is right, but it is possible. I don't think it is right unless you gain new evidence. I don't ever remember seeing Raubunas. I prosecuted him. He was in court here, I suppose. The first time in my life I ever saw Eddie Dewes was after I indicted him, I suppose. I think I indicted him in the Beisner farm case. The first time in my life I ever saw Kaplan was when I got myself indicted and I came up to make bond. When I got myself indicted in this case, September 29, 1939. I never saw him before that. I knew what business he was in from what the agents told me. I did not know where his principal place of business was. I know every time they knocked off a still they told me it was Kaplan's. I 1332 have a recollection of seeing Francis Campbell testify in the Western Avenue still. He was the agent. He furnished me with the case report in that case that I thought was a good one, too. I don't remember what was the disposition of that case. I think I presented it to the grand jury. There was not a true bill voted, I think that they were all thrown out, by the grand jury. They voted a no-bill. I thought it was a good case or I would not have presented it. I don't think I ever re-presented that case. From the time it was no-billed until the time I left, I never re-presented it.

Q. There is a delicatessen store at the corner of Kedzie and Douglas Boulevard, what corner is that?

A. I was out there to take pictures, so I can tell you.

I was never out to the delicatessen store before I took pictures. I am positive of that. That is right out there in the west side. Kretske lives at 12th and Newberry, 12th and Halsted, you might say; it is one mile to Ashland; two miles to Western; three miles to Kedzie; it is about three and a half or four miles from Norton I. Kretske's home.

Q. You remember Mr. Lou Kaplan's automobile agency?

A. From where I heard it in this court room, it was—Kretske's home or the delicatessen store?

Q. How far from Lou Kaplan's automobile agency was the delicatessen store?

A. I understand Kaplan's place of business was at Kedzie and Ogden. This is Kedzie and Douglas. It is probably a half mile or a mile.

I never saw Kaplan in his place of business. I never did purchase an automobile through him. I never did have financial transactions of any kind with Kaplan. I never met him until I was indicted here. I have not met since either. I was told that he was in the business of making alcohol. I don't remember when I first saw Kaplan's name in a case report charging with a violation of those laws.

I saw it in the Western Avenue still case report. I 1333 do not know that he was convicted in Milwaukee. How would I know? I did not know the assistant United States Attorney in charge of that prosecution of that case in Milwaukee.

Q. Did you ever hear of him?

A. What is his name?

Q. Keller.

A. Sure. You said I talked to him when I was in Milwaukee.

I talked to some assistant, I don't know which one. I don't remember if it was Keller. I talked to one of the assistants. My idea was that it was somebody by the name of Koelser.

Q. Koelzer is the man in the office now, is that correct?

A. I don't know him.

I don't know if Keller is the man that used to be in the office. I thought it was Koelser that I saw in Milwaukee.

The Court: Q. There was a Koelser and Keller, is that right?

A. I don't remember which one I saw, Judge.

Mr. McGreal: Q. Did you ever have any discussion with Keller in Milwaukee about the case of Lou Kaplan?

A. Did I have discussion with him about which case of Lou Kaplan?

Q. The one in which he was indicted.

A. In Milwaukee?

Q. Yes.

A. I don't remember such conversation.

Q. You don't recall such conversation.

A. There certainly wasn't anything crooked about it if I did.

I wouldn't say I didn't have any conversation with him. I didn't talk to him about fixing Lou Kaplan's case.

Q. Do you recollect calling at the office of Assistant United States Attorney—

A. I don't remember such conversation.

Q. You don't remember such a case.

A. I don't remember that Kaplan was convicted in Milwaukee.

1334 I thought it was Koelser that I talked to about Kausanback. It may have been Keller. I don't know if I ever met Keller in this building. I don't think I ever saw him in this building, I may have. I don't remember Keller. Keller—if I would see him I would know. I can't answer when was the first time I ever saw Lou Kaplan's name in a case report. The first time I saw—the first time I knew that Lou Kaplan was a boot-legger, an agent told me he was a boot-legger. I don't know who the agent was who told me that he was a boot-legger, but I think Frank Campbell. There was no arrest in the Western Avenue still case. There was a seizure of the still at 2524 South Western Avenue, but there was no arrest. No, I don't have a distinct recollection but I know in the Western Avenue case it was a cold still; it was tipped off and that is the reason they got out cold and no prisoners were arrested. I mean it ceased operating. And by being tipped off, somebody had warned them before hand, before the seizure was made. That was my contention anyway. I know it was tipped off. I don't know it was tipped off. I just contended it was tipped off. I distinctly recall the case now.

Q. Did the case report identify it, or the case report implicate Lou Kaplan?

A. If you will let me see the report. I don't remember.

Q. Don't you recall?

A. I don't have recollection of what defendants were in a particular case. I know Kaplan was supposed to be in the Western Avenue case.

I do not have difficulty remembering the facts in all the cases I try. That was the one where they got Hodorowicz, if it wasn't for me they would never have gotten him. I got Kanzenback and that is how I tried to get Nick Aboskicis. I can remember some. I remember the Western Avenue still. I don't know when was the seizure, certainly I wouldn't know who in the case report was named as persons that could implicate Louis Kaplan, unless

1335 you showed me the report. I haven't seen it for a couple of years. I do not remember a man by the name of Adam Widges in Western Avenue.



Q. Do you remember the name of Davis?

A. Who?

Q. Davis?

A. Where?

Q. In the case report.

A. I don't have any recollection of the case report at all.

Q. Did the case report show how much coal had been bought. Did the case report show much coal had been purchased?

A. Yes, I remember something about that coal.

I do remember who purchased the coal. Some witness did identify Lou Kaplan as the person that bought the coal. I brought those witnesses before the grand jury. They did testify. That is right. Lou Kaplan was no-billed, as he should have been. I say he should have been. I concurred in the action of the grand jury. That is correct. I don't remember the Spring Grove case. If you will let me see the reports I can tell you. I certainly don't remember if Kaplan, Raubunas and Dewes were presented to the grand jury on the same day. I appeared before a grand jury every month. I suppose I did appear before the grand jury in October, 1937, in this building. I was before every one of them. I remember John Jersek, but I don't remember it being presented to the grand jury. I don't remember if there was a no-bill in that case.

Q. Was it passed to the next grand jury, by your request?

A. If it was no-billed, why would it be? I would have to see that.

The Court: We will take a recess. You may let him look at those files.

The Witness: Yes, then I will be able to testify.

I did talk to somebody during the recess. I talked to

Mr. Stewart, Mr. Callaghan and a couple of dozen 1336 others. I know what document marked number 113

is. It is a report of the Alcohol Tax Unit in connection with the Spring Grove case. I think I did see it before. I did see it before the meeting of the grand jury in May of 1938. That is the usual form of report of the special investigator. I had it in my possession when I was before the grand jury. That is right. I read it many times at that time.

Q. Now, on page 52, directing your attention to that page, would you mind stating what that says, beginning here, indicating for the purpose of the record, about half way down the page?

A. Shall I read it?

Q. Call out these names on the first line. What does that say?

A. That says Louis Kaplan.

Q. What next?

A. Is implicated by the testimony of—

Q. Read these names.

A. Peter Frett.

Q. The next one?

A. Don't you want me to read why he is implicated by that testimony?

Q. The next one.

A. Elmer Helzinger, Sylvester Urbanski, Joseph F. Cole.

Q. Any more?

A. Joseph F. Cole if used as a Government witness—

Q. Any more?

A. B. E. Campbell.

I do not remember reading that page before. I don't know if any of those witnesses were before the grand jury. You see, you have the advantage of me because you have it in front of you and I have to guess, from memory.

Q. I don't want any advantage of you. If you want any report, you ask me and I will give it to you.

1337 A. I would like to have that report and have the advantage of it so I can read it and then you ask me the questions.

Those appear on page 52. You read it last night. It is still fresh to you. I don't remember if I had those names mentioned there, witnesses before the grand jury. This report would not show that I had those witnesses before the grand jury.

Q. I meant the grand jury record.

A. I was looking at something.

I did not take care of subpoenaing witnesses before the various grand juries. The agent and Miss McGarry took care of that. I was too busy. I was too busy to do that.

Q. Before the May 1938 grand jury, do you recall that was the time that Cole was a witness; do you recall what other witness appeared that day.

A. No.

I have no independent recollection at all of that. I don't remember if there was some one else besides Cole.

Q. I show you a document marked number 95, I think it has been previously identified as the minutes of the

grand jury of the month of May, 1938, and directing your attention to document number 40 appearing on that page, do you see the names of the witnesses that appear there?

A. Yes, sir.

It also shows the disposition of the case. It shows the case number of a certain indictment D. C. 30992. I don't know against whom the indictment was returned but a true bill was voted, according to this record, on May 17, 1938, against Stanley Slessor, Joe Cole, L. Pregenzer, that is Lincoln Rankin and Ralph Bogush. No-bill voted in that case. The truebill vote was 20 votes and the no-bill against Kaplan, Raubunas and Dewes on the same day were 22 votes. I don't know what witnesses appeared before the grand jury, but according to this record—do you want me to read their names? R. E. Ensler, Grace Hollinger, H. D. C. Bannister, S. R. White, A. Smelzer, Steel Sins, E. Simonson, W. Blackman, J. Fernandez, L. 1338 Berganzier and Joe Cole.

Q. That would be the time they had Joe Cole to appear before the grand jury?

A. That is one of the times.

I don't know if that would be the last time. It was one of the times. I got an immunity waiver signed by Cole. I got an immunity waiver signed by Pregenzer.

Q. The grand jury indicted the men you have named, but they returned a no-bill as to the other three?

A. Beg your pardon. I made a mistake. You asked me if I got an immunity waiver from Pregenzer, I did not.

I did not get one from Pregenzer and I might say now that if it had not been for the fact that the record here showed it, I would not remember it, and I don't have any independent recollection of the immunity waiver against Joe Cole, but I know everybody named as a witness in the report.

Q. Isn't it true you got an immunity waiver from Pregenzer, but you didn't get one from Cole?

A. The testimony was here that he refused to sign one.

That was the testimony here. You see, you said I handled a thousand cases. There were probably five or six thousand defendants, and I went before the grand jury with probably eight or nine thousand defendants. I can't remember. I remember the Workman case. I wrote certain letters in the Workman case.

Q. That was the case where thirty-two defendants were indicted.

A. Yes, sir.

One or two witnesses appeared before that grand jury. I was in the office two or three months and I thought all you had to do was go in there and anybody can tell a story and everybody gets indicted.

Q. With the one witness, agent Frank White, the grand jury returned indictment against thirty-two individuals and corporations; is that correct?

1339 A. I don't know. Whatever the record shows.

Q. Case 29092?

A. Yes, and I got a telegram from the Secretary of the Treasury and a letter from every one else telling me how wonderful it was.

Q. I show you a series of letters, Government exhibit 3; directing your attention to Government exhibit 3-B, did you cause that letter to be written.

A. It bears my initials, that is the only way I know.

The letter was written to the Attorney General. It requested permission to dismiss out of the indictment the defendants Nieman Brothers and Louis Nieman.

Q. Will you read the second paragraph of that letter?

A. "I have had an investigator of the Alcohol Tax Unit working with me for the past couple of weeks \* \* \* and have faith in the company and individuals and they have promised to testify for the government."

I don't know if I got an answer to that letter. Government's exhibit 3-C bears my initials. I suppose I dictated it. It was written to the attorney general. It says: "I have the honor to request permission to dismiss out of the above entitled indictment the defendants Chicago Steel Tank Company and R. Shurick."

Q. Read the second paragraph?

A. "I have had an investigator of the Alcohol Tax Unit working with me for the past couple of weeks and have interviewed the above named company and individuals and they have promised to testify for the government."

I don't know if I got an answer to that letter. Government exhibit also marked "3" was written to the attorney general. The defendants mentioned in there were Fletcher-Eikman & Company and L. M. Fletcher. I had the same paragraph about testifying for the Government in there.

Q. Directing your attention to Government exhibit

1340 3-f, did you write that letter or cause it to be written?

A. This was for the Attorney General.

Q. What is that?

A. This is signed by the Attorney General. That was the letter addressed to the Attorney General.

I wrote exhibit 3-G. That letter bears my signature. That is written on the stationery of the Department of Justice, Washington, D. C. That is not the stationery I used in the District Attorney's office of this district. That letter was written in Washington. That is correct. I don't think I dictated it in Washington, but I signed it. It bears the date of October 31st, 1935.

Q. Will you read the letter?

A. *In re* United States vs. William J. Workman, *et al.*, D. C. 29092. "I have the honor to request permission to dismiss out of the above entitled case the following named defendants. George A. Mathews, A. J. Engelhardt, James P. Harrington, B. J. Burns, J. Canton, P. F. Ramsey, J. B. McWilliams, H. P. Swanson, Tony ..... and Frank ..... for the reason that none of the above named defendants have been apprehended nor have we the addresses of any of them." "I should further like to ask for the dismissal of O. P. Klein and D. B. Skelly Syrup Company from the above entitled case for the reason that I don't think we have a sufficient amount of evidence against either of those defendants to warrant our going to trial in this case. Respectfully, Michael L. Igoe, United States Attorney for the Northern District of Illinois, By Daniel Glasser, Assistant United States Attorney."

Q. Did you write other letters, with that signature?

A. What do you mean by that?

Q. Did you write other letters with that signature in similar cases that you have typed in the letter the name of the District Attorney and then your name, Daniel D. Glasser?

A. I might have.

This letter was written when I was in Washington. I recall the circumstances surrounding the writing of 1341 that letter in Washington, I had a conversation with somebody before I wrote that letter. First I had a conversation with Judge Igoe in Chicago. I had a conversation with some assistant attorney general in Washington. I do not remember his name.

Q. You then sat down in Washington and wrote this letter and asked permission to dismiss these defendants?

A. I see one there by Judge Igoe.

I did this in Washington, but I thought you wanted me to explain it. When I went to Washington I did not have a letter signed by the United States District Attorney. I did not have any letter signed by the United States District Attorney when I left for Washington.

Q. When you got to Washington you wrote this letter on the stationery of the Department of Justice, Washington, and signed your name to it as an Assistant District Attorney, is that correct?

A. I did not do that at all. He did that.

The fellow I was with did that I remember distinctly.

Q. Isn't this your signature appearing on Government exhibit 3-G?

A. You don't let me finish answering your last question.

Q. Isn't that your signature that you just look at?

A. I will be glad to answer any question.

Q. Answer the question: isn't that your signature?

A. Which one?

Q. Government exhibit 3-G, you just looked at, you read that?

A. My signature, yes, sir.

Q. And now in that case there were thirty-two defendants originally?

A. If you say it— I don't remember the number.

Q. The grand jury of the June, 1935 session returned true bill in case number 29092 naming thirty-two individual defendants, some of which were corporations, isn't that correct?

A. The last part I know is correct, but the number I don't remember.

1342 I was the Assistant District Attorney in charge of the case. I appeared before a grand jury which indicted. I knew what proof I had against these defendants at that time. If I were to tell you frankly and honestly, I would say I didn't know.

Q. If you went before the grand jury with an agent, you know then what evidence you had in your possession, didn't you?

A. I didn't even know what evidence was, then.

Q. Weren't you a lawyer?

A. That is a question.



I was an assistant United States District Attorney, I was an attorney, but— I don't think I did know what evidence was. I didn't learn what evidence was until after I went in this office, after some time.

Q. You knew what evidence was in the possession of the government against those thirty-two individuals, didn't you?

A. I knew what the facts were, but what was legal evidence and what wasn't, I didn't know.

Q. After you caused the grand jury to return an indictment, did you believe you could get a conviction against these defendants?

A. I didn't cause them to return an indictment.

I went before the grand jury in that case. I think one of the agents submitted that matter to the grand jury. I think Agent Frank White who testified here. I don't know if I showed those pictures of 773 Cullerton Avenue still to that grand jury. That was probably my first grand jury. Government's exhibit 7 is the building at Cullerton Avenue. I don't know if that was the building where this still was seized. I don't know if I ever before saw government exhibit 31. That is just a bunch of empty or broken tanks. I don't remember if that is a picture of a lot of empty tanks found in that building, that picture is not even identified. I don't know what it is. 1343 I mean on its face, it is just a picture of a number of empty cans. I really don't remember if I ever saw that picture before.

Q. Now, I show you a number of Government's exhibits, what are these numbers on the pictures there, I believe running from about number 18 to 32 inclusive, did you ever see any of those pictures before?

Mr. Ward: Those are Exhibits 20 to 34 and 7 to 18.

Mr. McGreal: Q. Did you ever see those pictures before?

A. I can't really say, I probably had ten thousand pictures in the time I was in that office, and I didn't put my initials on any of them.

Q. At that time that was your first case?

A. That was pretty close, I was in in June, 1935.

This was a 10,000 gallon still and there was 124,000 gallons of mash and 12,000 gallons of alcohol. I say that just because you say so. I don't remember. It was you say in June, 1935, it was about sixty days after I came into office. It was my first big case.

Q. And you requested the grand jury to return a true bill against these people?

A. I don't think I even did that.

Q. Was there a man named Yarrio indicted in that case?

A. Well, since I have been in this court room I learned he was, I had forgotten about it. If you show me the records, I can remember; I don't remember, there were thousands of them.

I see the name of P. S. Ramsby on Government's Exhibit Number 3-G. I do not know who P. S. Ramsby was.

Q. Have you any idea?

A. Well, in this court room somebody said it was Yarrio, or the fellow who paid the rent, I think Workman said it was the man who paid the rent.

I wouldn't know that that was Yarrio from 1062 Polk Street, the fellow they called Sheenie Albert.

1344 Mr. Ward: His name was Schiavone, do you recall that, Mr. Glasser?

Mr. Glasser: Ramsey was Schiavone.

Mr. Ward: No, the man who paid the rent was Sabone. (Mr. McGreal continues cross-examination.)

I know a man named H. L. Welch. I only talked to Yarrio once in my life.

Q. There was a Welch named in that case as defendant?

A. You see, the things I am testifying to were somewhat refreshed in my recollection since I have been in this court room. Show me the indictments, and I will tell you.

I have had a copy of this indictment since the 29th of September, 1939. I did know the charge that was placed against me by the government.

Q. And these cases were named either in the indictment or Bill of Particulars?

A. Well, you said September 29th, we got the Bill of Particulars about the first of January.

Q. Well, you have had a little time then, to take a look at these cases?

A. I have only had a chance to think about them.

The Court: Show it to him.

The Witness: Government's Exhibit 5 is the indictment that was returned. I have seen that before. I prepared that, I believe it has my initials on. It does bear my initials. It bears my initials as being the file I dictated, and Elmer S. Wandell is the person who wrote it. There is a

man named Welch indicted in that indictment, it shows a couple of Welch's, M. L. Welch and H. L. Welch, alias John Polk, alias Yarrío, alias Sheenie Albert. I don't remember if I wrote to the Attorney General for permission to dismiss him out of the case. I don't think so. I do not recall that the record shows in April, 1936, H. L. Welch was dismissed for want of prosecution, unless I refreshed my recollection in the preparation of this case. I don't think I wrote to the Attorney General for permission to dismiss him.

Q. And the net result of the Government in that 1345 case was there were two defendants, two of them were put on probation, isn't that right?

A. Whatever the record shows I wouldn't be surprised.

I don't remember the one who testified here, and the other one was a workman around the place. I don't remember that. I did meet Yarrío. Why, he came up to my office here one time. Oh, I think he came up to my office more than once. He came up to tell me I got the wrong fellow in this case. He told me I had the wrong fellow, and I said—that was during the pendency of that Workman case. That was some time between June of 1935 and April of 1936. That was the first time I ever met Yarrío. He told me then I had the wrong man. I didn't report to the Alcohol Tax Unit.

Q. Did you report to the Attorney General that you had the wrong man named in the indictment?

A. Just because he said it was the wrong man was not the reason I believed he was the wrong man.

I didn't believe it. I still believed I had the right man. He was dismissed out of the case.

Q. And did he ever come to your office again?

A. When, before he was dismissed, or after he was dismissed?

Q. When was the second time he was at your office?

A. Well, he came again.

Q. When?

A. I don't know, this is during the pendency of the indictment.

Q. Sometime between June 1935 and April 1936?

A. First he came to tell how innocent he was, and I said to him at that time, "Before I get through with you I am going to send you to the penitentiary."

The second time he came to protest his innocence again. I said, "Well, if you are willing to take a chance you can

come up to my office." I had discussed it with Carl Hambeck, an agent who was working out of the office at my request, in trying to get this case lined up. I said, 1346 "If you are willing to take a chance, I will have the identifying witnesses come to the office." He did come to my office the third time. I didn't bring some witnesses to my office. I think the agent brought them. I think a couple of witnesses, two or three. I do not remember what their names were. I am just trying to recall when was the third time Yarrío came to my office. Oh yes, it was before he was dismissed out of the case. I didn't write to the Attorney General about dismissing him, I didn't dismiss him. That is true that he was dismissed under an order for want of prosecution.

I know Tom Bailey. I first met him sometime in 1937 or 1938. At the time I first met him he was an agent. He was investigating liquor cases. Well, that is what he told me he was doing. I did confer with him from time to time. I did not ever tell Frank Hodorowicz at any time that I was over a barrel in that case. The Alcohol Unit were. I did not ever tell Frank Hodorowicz I couldn't do anything for him this time. I never did anything for him before. I did do something for Pete, I had him held to the Grand Jury, and I indicted him—I had him presented to the Grand Jury and I think I indicted him. I don't know if the records show that, I can't remember.

Q. Well now, do you recall the preparation of that case for the still at 6949 Stony Island Avenue?

A. I don't know that still at 69—whatever it is, Stony Island; if you tell me who was in it—

Q. Swanson was a defendant. You remember that case?

A. Is that the one where Roth was in?

Q. That is the one Mr. Roth was in.

A. Yes, sir.

Mr. Ward: If Your Honor please, at this time, if Your Honor wants to adjourn at this time, Mr. Glasser does not know anything about the files, I will be very pleased to hand him any file here that he wants to look at, so he can look at it and be prepared for that examination.

1347 The Witness: I would like to make this request.

Mr. Ward: He keeps saying he does not know.

The Witness: I appreciate the offer of counsel, and I would like to take advantage of it, but I would like to take advantage of this tomorrow, rather than today, or now. I am a little tired now.

The Court: We will suspend now, until Monday morning at ten o'clock. In the meantime you may have access to those files.

*Further Cross-Examination by Mr. Ward.*

I did tell this court and jury when Frank Hodorowicz asked me about Mr. Hess, about how he stood with Judge Woodward. I said he stood fine.

Q. And at that time were you out to get Frank Hodorowicz, you were, weren't you?

A. Yes, sir—I wasn't out to get Frank Hodorowicz in my individual capacity—

I was vigorously prosecuting Frank Hodorowicz. I believe I testified to two conversations with Frank Hodorowicz subsequent to his indictment in my office and one the day he made his bond. Subsequent to the first indictment which was in June 1938 and I had no further conversation with him preceding that so far as I recall. If you have something in mind, if you will tell me about it. I don't remember. I was indicted in this case September 29th and in that indictment there was listed practically all of these cases we have been talking about here. I was Assistant District Attorney for four years and I have read hundreds of indictments. When I got my own indictment I read it, and I saw all of these different cases. I did not go to Mr. Morgan since I was indicted in this case and asked him if I could see a single file of any case mentioned. It is not a fact that I resigned in April of 1939. I ceased active work. It is a fact that Mr. Campbell requested my resignation.

At the time when I resigned you had been appointed 1348 Chief of the Criminal Division of the United States Attorney's Office. Long before the Workman case, long before that I was sitting around looking for a chance to do some work. When I came into the office I was sitting around and I was anxious to get started. I was looking for a career in the United States Attorney's office, and I was just anxious to get my toes in and get to work.

Q. And finally you got the District Attorney to assign you to the Alcohol Tax call?

A. No, sir.

Q. Well, finally, I said.

A. You said finally I got him to assign me, I didn't get him to assign me, he was the one assigned me.

He picked me out. I did not request the call. I would not say that I finally got the call, and that the first case that I had was the Workman case. The first large case, yes.

Q. Mr. Glasser, will you tell this Court and Jury after you had the Workman case, if you ever had a case in all the time that you prosecuted that was even half as large as the Workman case, just half as large?

A. When you say the Workman case, large in just what?

Q. The size of the still.

A. No, that was the largest still.

I don't know that there was 12,000 gallons of finished alcohol found there. I don't know that there was 212,000 gallons of mash there, I wasn't there when the seizure was made. That was the first large case that I had as a prosecutor of alcohol tax cases and that is right that I don't know how much alcohol or mash was there. That is very true. May I explain something, Judge?

Mr. Ward: Just answer the question.

The Court: You may answer.

The Witness:—I would just like to explain this, that the Workman case, they had been indicted before it was turned over to me.

1349 The Court: But you had the files?

A. Yes, sir, but they had only indicted three people, and I took it to the Grand Jury and indicted—

Mr. Ward: You were not satisfied with their indictment?

A. No, sir.

I went into the case thoroughly. I knew every angle of it at that time. That was the first large case I had as an Assistant United States Prosecutor. It does stand out in my mind.

Q. How large was the still?

A. I remember from the testimony here now—

Q. How large was the still, you said it stood out in your mind?

A. I did. I might be perfectly frank with you, I didn't know, and I didn't remember how large the distillery was.

Q. Is that mentioned in the Bill of Particulars?

A. How large the still was?

Q. No, the Workman case.

A. It was mentioned in the Bill of Particulars, yes, sir.



Q. And you had two months to find out how large the Workman still was, and you can't tell this Jury now how large it was.

A. I didn't have two months.

Q. January 1st?

A. Yes, sir.

Q. This is March 5th.

A. Oh, you mean during this month of trial I should have been studying it?

I did not over these different week-ends confer with Mr. Stewart practically every day. Mr. Stewart had a copy of the testimony in this case over the week-end but I didn't. I did not confer with him.

Q. You never talked to your lawyer about it until you got on this witness stand?

A. About what? You said about it. I don't know what you mean.

1350 Q. About the case.

A. About my case, or Workman?

Q. You know what I am talking about.

A. No, I really don't. I am just trying to answer.

Q. About your case.

A. Oh, yes, I talked to my lawyer about my case.

Q. The testimony that Mr. Stewart would have that you would look over at the week-end wouldn't be about any other case?

A. No, but he didn't show it to me.

Q. Didn't show it to you?

A. No, sir.

Q. All right. In any event you don't know?

The Witness: I know.

The Court: He says he does not. What is the use wasting any more time, he says he does not.

Mr. Ward: Now, you dismissed that case against Yarrion on April 1st, 1935, did you not?

A. I don't know, you wouldn't show me the report after the Judge ordered you to show them to me Saturday.

The Court: Show them to him now.

The Witness: If Your Honor please, I would like to show you this note. He wouldn't show me the report after you ordered him to show them to me Saturday, and I sent him this note at 10:25 A. M. on Saturday, I state, "Mr. Ward, at the suggestion of Mr. Stewart I am here about—"

Mr. Ward: Just a minute.

The Court: Just a minute. You don't have to read it.

The Witness: I have not seen the reports.

The Court: During the recess now, you look at those reports. I understood you were to check those files during the week-end.

The Witness: They wouldn't let me see them.

The Court: Why wouldn't you let him see them?

Mr. Ward: We can explain that. Mr. McGreal can explain it.

1351 Mr. McGreal: This defendant came to my office at the hour of 10:30 Saturday morning, and the man at the board telephoned me and told me he was there alone, and I suggested to him that he get his lawyer, I would talk to his lawyer in the matter, he said he would wait until 10:45, until he saw him, and I told him I wouldn't see him alone under any circumstances, and told the boy to tell him that. And told him to come back with his lawyer.

The Court: Is that true?

Mr. McGreal: Sure.

The Court: Did you get your lawyer?

The Witness: No, that note explained it all, Judge. I went alone to the District Attorney's Office. They had all their witnesses, Good God they certainly were not afraid of me, Judge.

The Court: I don't know.

The Witness: I wanted to read the reports.

The Court: They simply told you to get your lawyer, and you didn't get your lawyer, so the responsibility is not upon them. Show him the reports now.

Mr. Ward: Q. Now, there is the docket sheet. That docket sheet tells you every entry that was made in that case. That is right, isn't it? It is, isn't it?

A. It purports to show every entry, I don't know whether it does or not.

Q. Does it?

A. I don't know. I don't know whose docket this is. Is this the Government's docket?

The Court: You can't expect him to carry all of those things in his mind.

Mr. Ward: Q. On April 1st, 1936, you went before Judge Woodward, and had this case dismissed?

A. No, it does not say that at all, it says—it does not say I dismissed anything.

1352 It says April 1, 1936, cause called for trial as to Defendant Stevenson, H. L. Welch, cause dismissed for want of prosecution. And Defendant Stevenson—well, you want me to read it all, don't you? And Defendant Stevenson, H. L. Welch, discharged, and bonds cancelled, H. L. Wilkerson. I didn't dismiss it. I was present, I mean I didn't make the motion to dismiss. It was dismissed for want of prosecution.

The Court: Who made that Motion?

A. Not me.

Q. You were present in court?

A. Yes, sir, but I didn't make the Motion, Judge, you see—

Q. You mean the Order of Court?

A. Yes, sir.

Q. The Court on its own Motion?—

A. Yes.

Q. But the Court asked you if you were ready to prosecute?

A. Yes, sir.

Q. What did you say?

A. I said, Judge, we had our identifying witnesses and those who were subpoenaed to testify there said he was not the man, and they wouldn't so testify.

Q. That was the reply. It was an implied Motion on your part to dismiss. What else did you tell the Court to do?

A. Nothing. The Court did absolutely the right thing. The Court did the right thing. No question about that.

Mr. Ward continues cross-examination.

I told this Court and Jury that as Assistant United States Attorney I handled thousands of cases. I don't know how many thousands I handled in 1926. I don't know how many thousands I handled in 1935. I don't know how many thousands I handled in 1937, I didn't count them. I don't know in 1938. I say thousands because Mr. McGreal said the other day I disposed of 1,070 cases, and if I disposed of 1,070 cases there probably were 5,000 defendants.

1353 Q. And Mr. Glasser, didn't you say before Mr. McGreal stated that, did you not say, didn't you use the words you handled thousands of cases?

The Court: Yes, he did.

A. Yes, I did.

Mr. Ward: Q. Now, as a matter of fact, in all the

time you were handling the alcohol call, you didn't handle 1,000 cases a year, did you? Yes or no? If you know, if you don't know, say so.

A. I would say I know, but I think it is more than that.

Q. And from day to day you were so busy that you couldn't read these reports that were submitted to you, and that is why you were unfamiliar with the Kwiatkowski report, that is what you said?

A. I don't believe I said it that way.

I did handle some private business while I was Assistant. I was not frequently away from the office in 1937 handling private business, my call wouldn't allow me to be away frequently.

Q. What was your salary in 1936?

A. I started with \$3200.00, I don't know—

Q. What was your salary in 1937?

A. Well, I started with \$3200.00, then I was raised to \$3600.00.

I don't remember what my income was in 1937 as reported in my income tax report.

Q. Well, would it refresh your recollection if I told you this was \$5900.00 and some odd dollars?

A. That probably is right.

The difference between that and my salary was what I made in a private way.

Q. Now in handling your cases it frequently happened you would make court appearances, would you not? And have a case continued?

A. Which cases?

Q. Well, any case.

A. Well, I don't know—

1354 Q. I am just speaking of your routine.

A. In the District Court you mean? Yes, sir.

When I was Assistant District Attorney I would appear in court, and sometimes the cases would be continued and I would come back to my office. That is true, but sometimes men would plead guilty, and it would take a few minutes to dispose of it and I would come back to my office. I do not know how many court appearances I made in 1936. I know I only appeared in court January 1936, ten times, I took my vacation in January 1936. I went to Florida on my vacation. I went to Florida on my vacation in 1937 and in 1938.

Q. Well, after you got back from Florida, do you recall now while you were away on your vacation, or previous

to your going away that you arranged for no one to take care of your call?

A. I just said—

Q. As a rule, you would put your cases over far enough so no other Assistant would be required to take care of your call, wouldn't you?

A. I would try to.

Q. Well, you did, didn't you?

A. To the best of my ability I couldn't stop the Alcohol Tax Unit from making seizures.

Q. I say you would put over your cases.

A. My District Court cases, yes, sir.

In 1939, sometime in the summer, I think it was August, it may have been July, I received a letter from you, telling me to come to the District Attorney's Office. I had not requested previous to that letter a privilege of coming over to the District Attorney's Office at the conclusion of this investigation.

Q. Did you come to the District Attorney's Office that day because you had previously solicited the District Attorney for the privilege of coming, or did you come because I sent for you?

A. Which day are you talking about?

1355 Q. At the time you said you came to the office, and you were there at four o'clock, Mr. Campbell and Mr. Ward was present, and there was some discussion about reports, that is the only time you were there, isn't it?

A. No, I had been there lots of times.

Q. Well, that is the time I am speaking of, do you recall it?

A. I recall it.

Q. All right.

A. I didn't understand the question. You said was that the result of my solicitation that I was there?

The Court: Did you request to come there or were you requested?

A. I was requested to come there.

I came there, and that was about four o'clock, and I visited the office, Mr. Campbell's office, the front part of the office, and we had a great number of files there. I don't remember the Kwiatkowski case. I don't know if you talked to me about the Vitala case. You talked to me about the Hodorowicz case. You did not talk to me about the Albina Zarrattini case, I don't remember.

Q. What makes you remember so well I didn't talk to you about the Zarrattini case?

A. I can't say what makes me remember that I don't remember.

Q. What makes you remember I didn't talk to you about it?

A. I don't remember the name, it is a peculiar name, and I would remember it.

Q. You indicted Albina Zarrattini, didn't you?

A. I never indicted anybody—

The Court: Why split hairs on it? You present it.

The Witness: I presented it to the Grand Jury? I don't remember the Albina Zarrattini case, I don't think it was in the Bill of Particulars.

Mr. Ward: It was a woman?

A. I don't know.

1356 I have no recollection. No more than I have of Pete Kwiatkowski. I did not try to find out who Albina Zarrattini since I heard the prosecutor in this case ask Mr. Brantman on the stand if Albina Zarrattini ever visited his office and heard him say who she was. I made no effort at all.

Q. Now you told the Attorney General by letter, in the Workman case that you wanted to dismiss certain defendants from that case, and the reason for it was that they were going to assist you in convicting other defendants, that is right, isn't it?

A. That is what I saw in that letter the other day.

Q. Will you answer the question?

A. That is right.

I had gone through the files of the Workman case. I don't think I called in all the defendants in that I was going to use against the other defendants. You see, I had an agent there—

Q. Did you talk to them to find out whether you would give the evidence against the other defendants—

A. I don't know, you see, I had an agent in my office working on it.

Q. I am asking you.

A. I would say not.

I don't think I did personally take any statements from any one of these defendants that I hoped to use in the trial of the other defendants. No one did in my presence. I was making the statement to the Attorney General, and



I thought at that time everything was on the square, and the agents when they told me something they meant it.

Mr. Ward: I move that answer be stricken as not responsive, what he thought at that time, Your Honor.

The Court: It may be stricken. Let me ask you this question.

Q. Did you ask any of those agents to get a statement from any of those defendants for you to use in the prosecution of those defendants?

A. Can I just explain about that, Judge?

The Court: Just answer the question.

A. No, I don't think I did. I didn't know enough at that time—

1357 Q. Did you ask them?

A. I didn't know enough, I was only in the office three months.

Q. You earned \$3200.00 a year?

A. But not as the agent—

Q. You were making the investigation?

A. Yes, I thought I was doing all right. My record was the best in the country. But you see, I had this agent assigned to me, and he was the one to go out—

Q. For the purpose of getting the statement?

A. Yes, sir.

Q. Did you ask him to get a statement?

A. I asked him to go out and help me to prepare the case for trial.

*Cross-Examination by Mr. Ward (Continued).*

I came into the District Attorney's Office in 1935, March 13, 1935, that was March, the third month. I did tell this Jury I collected thousands of dollars for the government that was hard to collect before I got the Alcohol Tax Call and I did that in handling cases and writing letters.

Q. You got to know something about evidence, did you not?

A. I must have just written letters.

Q. Didn't you know anything about evidence when you wrote these letters to the Attorney General?

A. Which letters? Now, you won't let me explain those things.

Q. Did you?

A. Yes, sir, I think I knew something about evidence. But you won't let me explain it.

Mr. Ward: I will ask the questions.

A. Well, I will ask them if you will answer them.

Q. All right. I will ask the questions. Now, did you know at that time, or did you have in mind at that time that it would be as a vigorous prosecutor seeking to get the persons behind the largest still you ever heard 1358 of—did it occur to you it would be a good thing not to dismiss the defendants until they had actually appeared in court and testified against these other defendants?

A. No, it didn't.

Q. In other words, you were just taking a statement from some—I think I heard the expression, reputable lawyer, of some large law firm that came in here and gave you a sweet promise that the client would do something, and you took his word for it, is that it?

A. Yes, sir.

Q. And walked in and dismissed the case, and it finally ended up with no defendants at all, just the end—

A. That is wrong.

I think that all we had was Workman and Young. I said I attended Loyola University. I don't think I ever told anyone that I attended Loyola University for three years. I don't remember that I ever told anyone that I got a Doctor of Law Degree, I may have, I don't remember. This is my signature (indicating).

Q. And this is Loyola University, 1922 to 1925, main subject law—D.L.L. 1925—

A. That is wrong. Who wrote that? I don't know. I signed it.

The Court: May I see that?

A. Yes, sir, I would like to see it, too. I don't know what it is.

Mr. Ward: You don't even know what it is?

A. No, I don't.

Q. You signed it, and that was after you were Assistant?

A. Oh, Miss McGarry gave it to me, and I signed it.

The Court: Where did she get the information?

A. It says L.L.D. there.

The Court: This is a personnel record.

A. Mr. Campbell came into the office and asked for the personnel. It says L.L.D. I don't think there is such a degree.

The Court: Let me find out. What education have you had to prepare yourself for the admission to the Bar?

1359 A. I went to DePaul.

Q. How long did you go to DePaul University?

A. I went there, I think about a year or so.

Q. One year. Are you a graduate of high school? What high school did you graduate from?

A. I went to Lane High School.

Q. Did you graduate from high school?

A. No, I didn't graduate.

Q. How far did you go?

A. Well, I got my credits, you know.

Q. Then you went to DePaul for one year?

A. Yes, sir, then I went to Loyola.

Q. For how long?

A. About a year.

Q. And when you were at DePaul what did you study?

A. Law.

Q. And Loyola?

A. Law.

Q. And where else have you studied?

A. I have studied previously in a law office.

Q. In whose law office?

A. I can't think of his name right now.

Q. How long did you study in his office?

A. Oh, I studied in his office—

Mr. Ward: I can't hear you.

A. I studied for a couple of years in his office, I can't think of his name, it does not come to me.

The Court: What were the requirements at the time before you took the Bar examination?

A. I think three years you could have either law school, or study with a lawyer. I had the necessary qualifications.

1360 Q. You took the Bar examination?

A. Yes, sir.

Q. Well, how long did you study in the law office?

A. Oh, I think I studied about two years, I don't remember.

Q. In whose law office did you study?

A. I can't think of the lawyer's name—it will come to me in a little bit. I have it at the tip of my tongue.

Q. Where was the office?

A. I think 69 West Washington Street.

Q. Miss McGarry was your secretary?

A. Yes, sir.

Q. And she made up this personnel record of Daniel D. Glasser?

A. Yes, sir. I didn't look at it at the time at all. I can tell you if there are any other mistakes, I doubt it. It says L.L.D. there—

Q. What do you suppose L.L.D. means, what is that?

A. There isn't any L.L.D., I think there is a J.D. or L.L.D.

The Court: It appears from this record he attended Loyola University from 1922 to 1925. Was that true?

A. No, sir.

Q. Did you give that information?

A. No, I didn't give it to her. I don't remember how that came out. Mr. Campbell knew I went to DePaul.

Q. It don't make any difference, you signed this?

A. Yes, sir, I gave it to Mr. Campbell. He knew the truth about it.

Q. I mean you read it before you signed it?

A. I didn't. It was not true. It was not under oath or anything.

Q. It don't make any difference whether under oath. You read it before you signed it, didn't you?

A. I don't remember. I really don't. And Mr. Campbell knew the truth.

Mr. Ward: I don't care what Mr. Campbell knew, I am talking to you about this document. You know, as a 1361 matter of fact, this is a personnel record for the United States Government, that the United States Government keeps on file, so it will know just who its employees are?

A. There is an original personnel record, have you got that one? This was dated a month before I resigned.

Mr. Ward: I am asking about this one.

A. I don't know what that is.

Mr. Ward: We will get to the other one.

Will you mark this Exhibit 209?

(Document so marked.)

Mr. Ward: Did you ever tell anyone that Roth was the kind of a fellow that you would have to watch very carefully?

A. Well, I told you how I felt about Roth the other day. I don't remember.

Q. Yes, or not. Did you?

A. I don't remember. I may have said it, I don't remember.

I remember the policeman that Mr. Armstrong brought over to my house that night had \$3500.00 in his pocket which I told the jury I didn't take, I remember that very well. That was the case I made myself. I had not seen the file. I remember that though, because the Alcohol Tax Unit didn't make that seizure. I remember testifying before the Grand Jury about September.

Q. And you remember telling this before that Grand Jury, "I made the statement that Henry Balaban, the lawyer in, this case, representing Mr. Horton, was a con man."

A. Yes, sir, I think you said he was a sort of con man.

Q. You think I said that?

A. Yes, sir.

I consider that a serious accusation, for somebody to call a reputable lawyer a con man.

Q. Was this question asked you, and did you make this answer: "Do you know a lawyer, Henry Balaban, 1362 his name was mentioned in this hearing." "A. Yes."

Q. Do you remember that?

A. Yes, sir.

Q. "How long have you known Balaban?" "A. Well, I have known Balaban for many years."

Q. Do you remember making that answer?

A. Yes.

Q. "I might say we are talking—I might say that there has not been anything said here about Balaban here before this Jury that would affect his integrity, I just want you to tell the Court if you know him." Do you remember that statement, yes or no? And do you remember the answer: "A. Yes, I know him." And do you remember this question: "Q. Has he tried many cases here with you?" "A. Well, I would say he tried cases. I wouldn't say tried many cases. He had a number of cases." Do you remember that?

A. Yes. You haven't finished, have you?

Q. Well, what else did I say?

A. You said, "How do you know Henry Balaban?"

Q. Yes.

A. I said because I went to law school with him.

Q. Yes.

A. He was a senior in DePaul when I was a Freshman.

Q. Yes.

A. And I said he was a good speaker and we later—

Q. And you further said—

A. You won't let me finish.

Q. And you further said that Henry Balaban to you was a hero?

A. Something like that.

Q. And you said he was quite an orator in his class?

A. You have got it there.

Q. Did you?

A. Yes. You wouldn't let me finish. And what did you say then?

1363 Q. I will show you what I said.

A. All right.

I may have said to someone that Roth was the kind of a fellow that I had to watch carefully. I may have said to the Grand Jury that Roth was getting too many cases over in my office.

Q. Did you tell the Grand Jury—

A. He had too many for me.

Q. Wait a minute, now. Did you tell the Grand Jury that he ought to move his desk over into your office?

A. I told him that.

Q. Did you tell the Grand Jury is what I asked you.

A. I told the Grand Jury that I told Roth that?

Q. Yes.

A. Yes. I did tell it to him.

Q. Was this question asked you and did you make this answer: "Q. What kind of a fellow is Roth?" "A. I don't know what kind of a fellow Roth is, except to say that I have a theory upon which I worked when I was in the United States Attorney's Office. My theory was that if any lawyer were to handle so many cases, that it was not a good idea. All one particular kind of cases. I watched him always very carefully and closely. He had suddenly, for no good reason that I could find, picked up a lot of very good cases, and in the first couple of years, I don't think he had more than one or two. He didn't have very many, if any, and then suddenly he began to get a lot of good cases." Did you say that? Yes or no?

A. Yes, sir.

Q. "Q. When did he start getting a lot of good cases?" "A. Well, I would say maybe within about twelve or fifteen months before I left the office." Did you say that?

A. I probably did.



Q. Did you, yes or no?

A. Well, yes.

1364 Q. "Q. Did you notice any increase in his business after Kretske left the office?" "A. No. Kretske left the office a couple of years before." Do you remember that?

A. Yes.

Q. "Q. He left the office in 1937, didn't he? April, 1937? Did his business increase after that?" "A. Yes. I would say that he had much more business within the period of time after Kretske left." Did you say that?

A. Yes.

Q. Yes. "Q. Did his business increase to such an extent that you were rather surprised at it?" "A. His business did increase to a surprising extent. I thought to myself I am going to do all in my power to see that nothing I do will cause him to get any more business." Do you remember that?

A. Yes.

Q. "Q. Did you think that someone was getting these cases for him?" "A. No. I just had the thought that I just felt that I didn't like Roth." Did you make that answer?

A. Yes, sir. Yes, sir.

Q. "Q. When Roth had handled these few cases you spoke of before the increase in his business, had he established any reputation for being successful in his defense as a defense lawyer, in this building?" "A. I may not honestly say that he was very successful in the handling of any cases before, say fifteen months. It started, say, in January, 1938." Do you remember that?

A. Yes, sir.

Q. "Q. Did you carry any thought in your mind when his business increased that it was perhaps due to the fact that he was very successful in defending men in this building?" "A. He was not successful with me. That I remember." Do you remember that answer?

A. Yes, sir.

1365 Q. "Q. I mean, before his business increased."

"A. Yes. He had a fairly good reputation, particularly in narcotic cases, as I recall." Do you remember that?

A. Yes, sir.

Oh, I absolutely made all those answers.

Q. And did you answer—"Q. Did he handle any nar-

cotic cases?" "A. Well, I don't know. I did see him in the courthouse daily when he started to get a good many cases. He may have had between fifteen and twenty cases." Do you remember that?

A. Yes, sir. I answered it.

Q. And did you say: "Q. Did you ever handle any narcotic cases?" "A. Yes." "Q. How often?" "A. I handled all the narcotic cases when Miss Bailey was ill in 1938. I think that was about eight weeks." Do you remember that answer?

A. Yes, sir.

Q. "Q. What kind of a man is Roth? Tell the Jury what kind of a lawyer Roth is." "A. Roth is an excellent lawyer." Did you make that answer?

A. I guess I did.

Q. "Q. Did he fight his cases in court?" "A. Oh, yes." Do you remember that? "Q. Did you and Roth have any battles in Court?" "A. We always fought. He always got in my hair. I always like to have a lawyer who would fight, but this fellow was in a sense ridiculous." Did you tell the Grand Jury that?

A. Probably did.

Q. "Q. Do you mean that he tried to get your goat while he was in Court?" "A. Yes." "Q. In what way?" "A. Oh, I don't know, except he would say sarcastic remarks and make the kind of cracks that I wasn't used to in Court." Do you remember that?

A. Yes.

Q. "Q. At times, he would get you sort of angry and you would have an exchange of a lot of courtesies in Court?"

A. I remember that; yes.

1366 Q. "Q. And then your heat would die out and your relations would resume normal proportions again? A. Well, the normal proportions was nothing very much. He used to come to my office. I told him at one time he ought to bring his desk over there so he could be right close to me." Did you say that?

A. Yes.

Q. "Q. Why did you say that? A. Because I was getting tired of his coming down. Q. Was there anything wrong about his coming down? A. Nothing. It was just one of those things, I think, and that always rubbed me the wrong way." Did you make those answers?

A. Yes, sir.

Q. "Q. Did you find out that he was getting, that he was getting business in a manner that was not legal? A. No. I know nothing about such things like that." Did you make that answer?

A. Yes.

Q. "Q. You were in a frame of mind you would rather be trying cases against somebody else rather than Roth?

A. I didn't care to try them against Roth because Roth—I don't believe that he beat me in a case, no. Our relations was only in Court. You see, I just didn't like him. I didn't want to have any personal relations with the fellow. It was hard to explain. It is just one of those things." Did you say that?

A. Yes, sir.

Q. Now, did you ever tell anyone that Kretske associated with all the bums and hoodlums in Chicago?

A. I don't think I said it just that way, but I probably said something about him associating—

Q. You had something to say about Kretske?

A. Yes. You asked me. I had to answer.

Q. And you told the Grand Jury that Kretske associated with every bum and hoodlum in Chicago?

A. I don't think I said every one. Did I?

1367 Q. In other words, you were selling yourself to the grand jury—

A. No. I wasn't.

Q. --at the expense of Mr. Kretske and Mr. Roth?

A. No. You were selling me out.

You were asking me questions and I made those answers. And you told me, "I don't want you to think I am interrogating you, Dan." Those are questions and answers.

Q. Now, after you told the Grand Jury all about Mr. Roth you then told him, a lawyer on the outside, practicing, handling cases against the Government, you told him about Tom Bailey, a man employed in the Government service, did you not?

A. Yes, sir.

Q. Now the Vitale case—the Vitale case, the defendant was indicted almost three years after the offense was committed, the first offense, was he not?

A. Yes, sir.

Q. And in the meantime before you indicted him on this case did you have that case you have in your hand, there was another case developed against Vitale, was there not?

A. Well, I was just taking it out to look over this file a moment to see if I might know something about it.

Q. Well, I will refresh your recollection. For your convenience, Mr. Glasser, these files are marked 1, 2, 3,—that is the offenses occurring, Number 2 occurring before Number 3.

A. Yes. Well, now, this Number 1 case is the case where he was shot on the farm.

Q. All right. Now, let me ask you this, the case where you told Judge Wilkerson that Vitale just happened to be down there making arrangements with Mr. Meyer to purchase some pickles, was it not?

A. No, I said that is what Vitale said.

Q. I am asking you what you said to Judge Wilkerson.

A. This man—I am telling you I told Judge Wilkerson.

1368 Q. Regardless of who told you, in the presence of Judge Wilkerson right at the Bar here in this courtroom, did you tell Judge Wilkerson that Vitale—when he asked you to tell him about the facts in the case, that Vitale just happened to be down there on the Meyer farm, making arrangements to purchase pickles, and there was a raid that occurred just at that time. Then after that the Judge said, well, he gave him an hour in the custody of the Marshal, is that right?

A. That is right. Which part are you asking me, the latter part or first part?

Q. Let us take the first part, we will discuss it. What did you say to Judge Wilkerson that day?

A. Well, I remember it, I said to Judge Wilkerson, I told him that he had been shot at the time of the seizure, and having been convicted of this offense in the State Court, and I said he said he was down there to buy pickles. Well, every time we got somebody from the farm, they were buying pickles, or picking mushrooms or buying eggs, or something else.

The Court: Did you say that to the Judge?

A. Yes, sir.

Q. That was your statement?

A. Yes, sir.

(Mr. Ward continues cross-examination.)

I guess I did have that report in my possession.

Q. Did you use that report? Vitale pleaded guilty to the charge, did he not, and admitted every allegation you charged him with in that indictment, that is true, isn't it?

A. Yes. Judge, I would just like to do this. You see—  
Mr. Ward: Just a minute.

The Witness: I would just like to say one thing.

The Court: What do you want to say?

A. I just want to say this is a report in the Vitale case, and Mr. Ward is trying to make—

Mr. Ward: I object to any remarks.

1369 The Witness: Well, I won't say it.

The Court: This is a report you had in your possession?

A. Yes, sir, and these are the facts—this down here is what they call a chronological history of the case. That is all I would have from the Alcohol Tax Agent, and that report was made a year after the raid.

The Court: I don't care about that. You had this report in your possession?

A. Yes, sir, that will show, Judge, what the situation is.

Mr. Ward: Now, look at this report—part of the Vitale files for the purpose of the record, it has a small two up in the left-hand corner, look at that report. Look at it now, look it over.

A. Well, I see in my handwriting it has a notation here.

It says two—2/24/39, under sentence for year and day, should be No Billed, under this sentence, not very strong. That was told to me by Dowd. Mr. Dowd told me, I state Mr. Dowd advised me.

Q. Just look at the file again. I want to ask you if you had that file in your possession before you returned the indictment in the Vitale case?

A. Well, when was the indictment returned?

Q. The indictment was returned April 26, 1938.

A. Yes.

I did not indict him on that offense. I did not tell Judge Wilkerson about that offense. I don't think I am allowed to tell him about those offenses.

Q. I am not asking what you are allowed to do. The Judge asked you the question to tell about this defendant.

A. Yes, sir, he asked me to read him the report, and I did.

Q. Regardless of whether you are in the habit of doing it, the Judge asked you?

A. No, no. The Judge didn't ask me to tell him about cases where the fellow has not been convicted.

I was anxious to tell Judge Wilkerson the type of 1370 fellow Vitale was and I did. Dowd suggested I recommend an hour in the custody of the Marshal. He did suggest that. It is not a fact that Mr. Dowd was not before the Court at any time in that case.

Q. Don't you know, as a matter of fact, Mr. Dowd was not even the agent, the agent was Barney Cloonan, and you never notified him to be here in court?

Mr. Stewart: That is three questions.

The Witness: That is three questions in one.

Mr. Ward: Q. Do you know whether Barney Cloonan was the agent?

A. He wrote that report?

Q. I want to know whether Barney Cloonan was the agent that would be there on that date when it was disposed of before Judge Wilkerson?

A. I would say probably not.

Q. And did you notify any agent to be present at that time?

Q. Can I tell the story why I didn't?

Q. I am asking the question. Mr. Stewart can redirect if he wants.

A. All right, you just ask half the questions.

Q. What was the question? (Question read.)

The Witness: A. No. So far as I remember, no.

Q. Now, this case, the second number, 2, that you have there, that you didn't indict on, do you know the facts of that case?

A. I probably did at the time.

Q. And now there was another case developed against Vitale before you disposed of—there was another case developed against Vitale, that by this file, you know about that? That was while you were in office, was it not?

A. I don't remember this case.

Q. Your name is on there, isn't it?

A. Well, I probably had it, but I say I don't remember it. I don't have any independent recollection of it.

1371 Q. All right. Mr. Glasser, you went down to Ottawa, Illinois, did you not? And you had an interview with a lawyer named O'Mara, and a man named Siminella, and you questioned him about this Vitale case, did you not?

A. Who? Who did I question? You mentioned two names, and you said I questioned him.

Mr. Ward: Well, if I remember right—



The Court: You questioned either one?

A. Yes, sir.

Q. Who was it?

A. O'Mara.

Mr. Ward continues cross-examination.

Mr. O'Mara in turn questioned Siminella. It was all in my presence. We were talking about it down there about the possibility of something being said about a fix in that case. That was in January of this year, after I got the Bill of Particulars. I heard Mr. Roth tell this jury that Kretske sent Rose Vitale to him.

A. Do you want me to read this, or don't you?

Q. No, just answer. Now, did you know in that report that there were numerous facts alleged, that a Chrysler automobile which was found in close proximity to the Vitale home was also found on the premises where there was an unregistered still, did you know that?

A. I don't have any independent recollection of it.

Q. Did you have any independent recollection of it when you went in before His Honor, Judge Barnes, who took the stand here?

A. I wouldn't have had an independent recollection of it, I would have had the report with me then.

I had a report. I did not tell Judge Barnes a word about Leo Vitale before he disposed of this libel case because it does not belong in a libel case.

#### *Examination by the Court.*

Q. Don't you think the Judge wants to know the entire background?

1372 A. No sir, no, it is not fair.

Q. Not fair to who?

A. It is not fair to anybody, to the claimant.

Q. I think the court ought to know.

A. Here are the facts—

Q. Don't you think the Judge ought to know about anybody that appears before him?

A. Yes, sir. Leo Vitale was not before Judge Barnes. You see, it is a knocked-down statement.

Q. There was one Chrysler Sedan automobile before Judge Barnes?

I was representing the Government in that case. I know now that Mr. Roth had filed an appearance for Rose Vitale, I didn't remember that.

Q. Do you want to tell this Court and Jury you just knew Rose Vitale was represented by Roth before Judge Wilkerson, you heard it in this courtroom?

A. No, I want to say when I got the Bill of Particulars, I just had it back—

That is the first time I ever remember this case, when I got the Bill of Particulars. I don't remember if Victor Dowd, the Agent for the Alcohol Tax Unit, was there in Court that day before Judge Barnes. I assume he was. He said he was.

Q. And Victor Dowd, after he heard you make the statement to the Court of the Libel, said to you, "Let me take the stand, and I will save that car for the Government of the United States." And you said, "Get the Hell out of here." Did you not?

A. I might have said it, I don't remember.

It is possible, I might have. I might have made that answer. I might have made that answer telling him to get the Hell out of the courtroom. He couldn't have saved the car for the government. I was prosecuting according to law. A libel is an attempt by the government to condemn a car which has been seized and forfeited to the government. They do that because that is the 1373 way they can get clear title to the car for the car—if the car is worth more than \$500.00—

Q. Mr. Glasser, will you tell this Court and Jury—

A. You don't want me to answer?

Q. All right, go ahead, and answer.

A. The libel law is to the effect after a car is seized, if the car is worth more, if it is seized by the Agents for the Alcohol Tax Unit, it is worth more than \$500.00, the Alcohol Tax Unit has it appraised, they have it appraised by its Appraisal Department, and if it is worth more than \$500.00 they will send it over to the District Attorney's Office, so they may file a libel, if the car is worth less than \$500.00—

Q. Aren't you talking about the matter of seizure rather than what a libel is?

A. That is the only way I can tell what a libel is.

I don't remember how many cases I handled when I was in the United States Attorney's Office, quite a number.

Q. Isn't it a fact, Mr. Glasser, if an automobile is found on the premises where there is also found an unregistered still, that if it is found within the enclosure, and you have got evidence which can establish that the

particular automobile found within the enclosure of the unregistered still, was on numerous occasions followed by the Alcohol Tax Unit, and observed and seen cans of alcohol being placed in it, and license number changed on it, and traced to the premises where the still is actually found, do you consider that fairly good evidence that the automobile was being used to defraud the United States Government out of the taxes on alcohol?

A. Yes, sir.

Q. That is what was done in the Vitale case?

A. No, sir, you are showing me a criminal file, and not the civil file, that is not fair.

The criminal file is not used in connection with the civil file. I never did. It shouldn't be. They have a 1374 special investigation, and special department that works on it, Judge.

Mr. Ward: Q. Mr. Glasser, in this particular case you wrote on here: "Under sentence, one year and one day should be No Billed on this evidence, not very strong." You wrote that, did you not?

A. Yes, sir.

That was what Mr. Dowd told me. I suppose I did know what was in the file at the time I wrote that on this file. I don't remember. I remember distinctly Dowd came in and told me to do it, I remember that distinctly. I wrote that on there because Mr. Dowd told me. I would have no way of knowing if that was almost immediately after this man Vitale was convicted in the Southern District, Dowd didn't tell me. That is right that I wrote that on this file as part of the records of the District Attorney's Office, that the reason I wanted this case No Billed was because the evidence was very weak. As I recall it, it was a knock-down still and there were a couple of cans of alcohol.

Q. All right. Now in this file doesn't Mr. Dowd speak about tracing this automobile?

A. I don't have any independent recollection of the file. I do have—

Q. So you went to Judge Barnes, then.

The Court: May I see the file, the statement that came with it, Mr. Dowd's statement?

Mr Ward: Q. Here is the particular part, your Honor (indicating.)

(Handing document to Court.)

Q. Now, after that Vitale case I mentioned, now after

the case before Judge Barnes, Victor Dowd came to see you, did he not?

A. When? After that? You mean right after? When was the case; I forgot the date, before Judge Barnes?

Q. Well, that was December 23, 1938.

A. Yes, I think so.

He did not tell me that he was down around Peru and that there were five or six people saying that the 1375 Vitale case was fixed for nine hundred dollars and he wanted to bring the witnesses up here. He never did have that conversation with me at all, never in his whole life.

Q. But you did go down to Ottawa to talk to somebody about a fix in that case?

A. Yes, sir.

I recall Mr. Cohen who testified here and I recall that after he left the building bringing him back over to the building. I did not tell Mr. Cohen I had heard a rumor to the effect that the Widzes case was fixed and that he had said something like that. I said to Mr. Cohen, "I heard you got out of the case because somebody who was supposed to have a fix with me could go along." Then I took a statement from him. I first discussed it with Judge Igoe. There was some talk about fixing, that is the reason I sent for him. I do not recall when I first met Colonel Bailey. I had no idea at all but it was prior to the conviction of those twelve men in that McHenry case. He came a month after the Yellowley case started, that started in April and he came in May.

Q. I am not going to ask you anything about it.

A. You won't scare me if you do. I will answer.

Q. What was the first time he came?

A. I don't recall, but it was before January.

Q. To your office?

A. He came here in May of 1937, he so testified to that.

He testified he came here in May of 1937. I probably did see him during May of 1937. I don't remember how often, you say the McHenry case was in 1938, in January, and I must have known him before that time, but when I don't remember, I don't remember, you might refresh my recollection. I did take him in with me to see Mr. Igoe.

Q. And at that time you had that report, didn't you? I mean you didn't have that report?

A. Oh, I think we had that report. I wouldn't know whether I would take him in if I didn't have the  
1376 report. I have been studying that, trying to think of the logical thing I would do.

Q. Forget the logical thing.

The Court: What is the number of that exhibit?

The Witness: 160.

Q. And you visited Judge Igoe's office, he was then the District Attorney?

A. Yes, sir.

Q. Did Mr. Bailey have that, and did you have that in your possession, that Exhibit 160?

A. I don't remember. I imagine I did.

Mr. Ward continues cross-examination.

I don't remember if Colonel Bailey and I entered Mr. Igoe's office on January 25th, 1938. I just don't know. My recollection is that it was only once that I was in to see Judge Igoe with Mr. Bailey, and it may have been more. I don't remember. I might have had a conversation with Colonel Bailey about wanting to have a nice case to try that would last two weeks. I would say I did. When I looked at this report, Exhibit 160, I knew it referred to the Hodorowicz.

Q. Now at that time did you know that Judge Igoe had been trying to, for a long time, to get the Hodorowicz?

A. It was I who was trying to get the Hodorowicz.

I was out to get the Hodorowicz. I would say to Judge Igoe the Hodorowicz were the biggest operators in town. I was trying to get a case against them. I was very anxious, I went to Washington and reported it and they sent an agent here. I was anxious to get them. I read through this report. I wouldn't know how long it took me. I don't remember how long it took me to read the report. I have no idea, I tried two cases on that report but I have no idea. If I look at it I can remember the names in this report. I remember the Hodorowicz bunch, it was Frank Hodorowicz—

The Court: What were your conclusions?

1377 A. My conclusions were these, Judge, this was a conspiracy report and if tried, it would take a considerable length of time to try the conspiracy as Judge Igoe told me and as he testified to here, it is simply a catch all, a hold.

Mr. Ward: I object to that.

A. That is what Judge Igoe told me.

The Court: Were your conclusions that there was sufficient evidence there to support an indictment?

A. There was evidence here to support an indictment and I did indict them. I did bring back two indictments.

Mr. Ward continues cross-examination.

That is right, I indicted Frank Hodorowicz, Mike Hodorowicz, Peter Hodorowicz and Clem Dowiat in one case for twenty-five gallons of alcohol. There was a directed verdict on Frank in this case. That is right, so I have one left, which is the thirty-five gallon indictment, whatever it was. I did know at that time that the Anthony Hodorowicz, mentioned in that report, was the same Anthony Hodorowicz who was mentioned in that indictment or who was indicted by me and the case on Judge Woodward's call and was stricken off with leave to reinstate.

The Court: How long was that report in your possession before any indictment was returned on the evidence?

A. Well, this report was written on April 21st, 1938, and I believe the agent testified he brought it about a week later, which would make it April 28th, and I think the indictments were returned about forty or fifty days later.

Q. Now you say this—if you knew Anthony Hodorowicz.

A. I didn't say I knew him. I would say he was the same fellow in this other case.

The Court: When you say "indictments" what do you refer to?

A. These two indictments, Frank Hodorowicz—

I remember the Anthony Hodorowicz, Clem Dowiat, and Claude Swanson case that was stricken off before 1378 Judge Woodward. The Anthony Hodorowicz in that case was the same Anthony Hodorowicz who was in the 160 report. There was a Claude Swanson in this case with Anthony Hodorowicz and Clem Dowiat.

Q. And was Claude Swanson also in that case?

A. That was Carl,—Elmer.

Q. In that case, too?

A. Yes, sir. I think it is based on that case, isn't it? I think this case is based on that one.

I never tried the one I struck off before Judge Woodward because Mr. Ritter asked me not to. That was in that report.



Q. So far as Anthony Hodorowicz is concerned, who was one of the four Hodorowiczes, he has never been convicted of anything by you, isn't that true?

A. By you, either.

Q. I did not ask you that, Mr. Glasser, I did not ask you that. Is that true?

A. That I never convicted him?

The Court: That is the question.

A. Yes,—no, I should say I did not convict him.

Mr. Ward: Q. And Claude Swanson who was also in that report, was never indicted or convicted by you, is that right?

A. No, that is wrong.

The Court: Q. What is the fact?

A. I did indict him.

Mr. Ward: Q. And convicted him, I said.

A. You said indicted or convicted.

It is true that I indicted him and struck the case off, and he is mentioned in that report. I never tried him on that old case. I had that case in my possession twelve months before I left the District Attorney's Office, twelve months, about as long as I am out of the District Attorney's Office now. Some of the handwriting is mine on the District Attorney's file in 37094, *United States vs.*

Clem Dowiat, Anthony Hodorowicz and Claude 1379 Swanson. I think the word "closed" is in Miss McGarry's. She was my secretary. Miss McGarry marked it closed, I didn't.

The Court: Would she do that without any instructions from you?

A. Sure. I can explain why.

The Court: Explain why.

A. I had written the motion, the Government's case continued generally. In her handwriting much later, it says, "Case stricken from docket with leave to reinstate."

Mr. Ward: Q. How long has—

The Court: Q. How long has Miss McGarry been your secretary?

A. Thirty-five years.

Q. She has been a faithful employee for thirty-five years?

A. Yes, sir.

Q. Do you mean to tell me she would mark it closed without any specific instructions from you?

A. Absolutely. She—

The Court: All right.

A. The fact is,—

The Court: All right.

Mr. Ward: Q. So when you got through with the case before Judge Woodward and you had convicted Frank Hodorowicz and Clem Dowiat, Pete and Mike, they got nine months?

A. Frank Hodorowicz got a year and a day.

I would say Colonel Bailey came to my office many times before I actually tried the case before Judge Woodward; how often I would not remember. I would say he was there frequently. He was right on that case.

Q. He wanted you to indict all these people for conspiracy and clean up that whole South Side, didn't he?

A. That was not the reason.

1380 Q. In that jacket 160, you had substantive offenses on Clem Dowiat, Elmer Swanson, Patsy Del Rocco, Pete Hodorowicz, Anthony Hodorowicz, a man named Kazmierczak, a man named Jankowski, and a great many others supposed to be affiliated with the Hodorowicz mob, didn't you?

A. That is probably true.

Q. In your conspiracy indictment, if you had drawn one, there was nothing to prevent you putting in the substantive counts?

A. No, but I was under instructions. Not to present a conspiracy indictment.

I was not under instructions from anybody not to try to get Clem Dowiat. I was not under any instructions from anybody not to try to get Anthony Hodorowicz, and if I had been in the District Attorney's Office, I would have had him. I was not under instructions from anybody not to try to get Patsy Del Rocco, nor all the rest you mentioned. I say I was under no instructions to let anybody out.

Q. So far as Judge Igoe was concerned, he wanted you to get the Hodorowicz's, didn't he?

A. Yes, he told me to proceed by—

Q. And it was in your hands to do that?

A. You don't let me finish. I don't know what you want me to answer. You ask a question and then don't let me answer.

Mr. Ward: Well, strike them all out.

Judge Igoe wanted me to get the Hodorowicz's mob. I

was more anxious than he was to get the Hodorowicz's mob.

The Court: The question was, did you know whether he was anxious to have these men brought before the Court?

A. Yes, sir.

Mr. Ward continues cross-examination.

I heard Agent Donahue testify here.

Q. You heard him tell about tracing these fellows and getting all these facts and evidence against them?

A. Which fellow?

1381 Q. This Hodorowicz crowd.

A. Donahue was the fellow in the Pete Hodorowicz and Walter Hort case.

I remember that very well because I remember the Hodorowicz people very well:

Q. That is the case where people testified Hodorowicz went up to the North Side with the eight hundred dollar payment to Mr. Kretske, wasn't it?

A. Yes. May I explain that?

Q. Just answer my question.

A. All right.

Mr. Ward: Mark this No. 211.

(Document marked as requested.)

There is writing on that file No. 211 in my handwriting. There is written on that file "closed." That is in my handwriting. That is not Miss McGarry's handwriting, that is mine. (Indicating.) That is not mine.

Q. That is closed, is it not,—Albina Zarrattini?

A. Yes. This is not mine.

Q. I don't care about the handwriting. I am not concerned about that, but the Zarrattini case is closed?

A. That is what it says.

That was put on by me. That means the file goes back to the front office. Zarrattini was found not guilty. I don't remember her. I may have had a talk with her in this building where she wanted probation. I may have had a talk, but I don't remember. I don't remember it at all. I have no recollection of that woman. When I say I may have talked to her, I mean by that I am just venturing a guess that I talked to her. I have no recollection at all. I believe I do know a man by the name of Nick Girardi. I believe he was in the sugar business. I do not know where he had his business. I only remember Eddie Wroblewski from here, seeing him here. I would

not remember if I had not seen him in Court, but I  
1382 knew about that name before I came to Court here  
from the Bill of Particulars or the indictment, what-  
ever it was. I do not recall Eddie Wroblewski being in  
my office.

Q. Often would you see Mr. Roth during the year of  
1937?

A. I don't think that Roth had any cases in 1937. If  
he did, he only had a few, so I don't remember what was  
about the first case.

Q. Do you recall how often you saw him in 1938?

A. He came up to my office very often, in 1938.

I don't remember him ever telling me he was repre-  
senting Eddie Wroblewski down in Indiana. I talked to  
Roth about cases like one lawyer with another. I don't  
think he ever said, "I am trying a case down in Indiana  
and having a tough fight."

Q. He never talked that way to you?

A. He talked so much I didn't listen to him.

Q. You did all the listening and he did the talking, is  
that it?

A. Practically.

I don't recall him having told me about being down in  
Indiana; I mean while I was in the office. I don't know  
that he had been in Indiana. How would I know. I never  
found that out, while I was in office. I did after I was  
out of office. That is right, I said that I never had the  
pleasure of meeting Mr. Kaplan until I met him here as  
a defendant in this case.

Q. And do you mean when we started trial here?

A. I never met him. I haven't met him yet.

Q. You haven't met him yet?

A. That's right.

Mr. Ward: Will you stand up, Mr. Kaplan?

(Defendant Kaplan arose.)

Q. Is this the man you are talking about?

A. That is the man who wasn't there.

The Court: Is this the man you are talking about?

A. The man I don't know, yes, Judge.

1383 Mr. Ward: "He was not there again today, I wish  
to God he'd go away."

The Witness: A. That is right. It don't make any  
difference to me, you can send him away if you want to.  
It don't make any difference to me.

When I heard the name of Louis Kaplan as defendant

in this case, I did associate that name with some case I handled in my office. I didn't know, but assumed that when he was named as a defendant in this case, it was the same Louis Kaplan that the Grand Jury had No Billed against. Some days after September 29, 1939, I received a copy of this indictment, a very short time thereafter. I read it that day. I knew Louis Kaplan was a defendant on September 29, 1939.

Q. And you tell this Court and Jury that you never met Louis Kaplan and have not met him yet?

A. Never in my life.

Q. Now, what is your definition of the word "met?"

A. Well, I like to be formally introduced to people. Then I meet them.

I was not introduced formally or informally. I never talked to the man in my life. I was never introduced to him.

Q. You were not in before the Grand Jury and had the two Kaplan cases, one alongside the other?

A. I don't know whether they were alongside the other or not. I don't know what you mean.

That is true that I had a conversation in Judge Igoe's office with Mr. Sylvan White, regarding Mr. Kaplan. At that time I made the statement that Louis Kaplan was a notorious bootlegger. I said that to my superior and Mr. White was there.

Q. And you were the vigorous prosecutor?

A. Yes, sir.

Q. And were talking to your superior?

A. That is right.

Q. Saying that Louis Kaplan was the most notorious bootlegger around the City of Chicago?

A. The Judge wouldn't let me make a speech like that.

1384 Q. Did you say that?

A. No, not the way you said it. He would run me out of the office.

I said that the Alcohol Tax Unit says this fellow Kaplan is a big time operator and I think it is a good case. I would not have taken it to the Grand Jury if I did not think there was sufficient evidence. When the Grand Jury No Billed the Kaplan case I was not still under the impression then that there was sufficient evidence to get an indictment.

Q. You just said a minute ago that you wouldn't take

the case before the Grand Jury unless you thought you had sufficient evidence to get a conviction.

A. Yes, but your question is not that. Maybe you don't remember the question. Maybe you better have the reporter read it.

Q. I remember the question all right.

A. Let the reporter read it.

Q. You said you would not take the case before the Grand Jury unless you thought there was sufficient evidence to get a conviction, is that right?

A. That is right.

Q. And I asked you, after the Grand Jury returned a No-Bill in the Kaplan case, you still were under the impression that you had sufficient evidence to go before the Grand Jury?

A. Not after they returned a No-Bill.

Q. After they returned a No-Bill, you thought that was the end of it?

A. Yes, sir, unless more evidence could be had.

Q. And that was the same day that you No-Billed the Kaplan, Widzes and Dewes case?

A. Well, the Judge said I should not split hairs. I presume you mean the Grand Jury?

Q. You know, among us prosecutors, we have certain little expressions we use, don't you?

A. Yes, but I don't want the Jury to get the idea—

1385 Q. You know the prosecutor will say, "Dan, did you get a No-Bill on that case?" You know that, don't you?

A. Yes.

Q. Or "Dan, did you indict Joe Smith?"

A. Yes, but the Jury don't know that vernacular.

The Court: Perhaps you had better talk in plain language.

Mr. Ward: Q. When I say, "indictment" and talk about the Grand Jury, that is twenty-three men, is that right?

A. Sometimes.

Q. Sometimes less, but never less than how many?

A. Never less than sixteen, I think.

Q. All right. Now, when they returned a "No-Bill" in the Kaplan case, you had those cases right alongside one another, the two cases against Kaplan?



A. There are two questions there. You said "one alongside of the other" and "two cases together."

Q. I think they run 22 and 23.

A. One right after the other, it might be.

Q. Now, when you had these two cases,—I will get the Grand Jury minutes in a second. When you had this Western Avenue still case alongside of the Spring Grove case, did a Grand Juror say anything about "who is this man Kaplan with all these cases?" Did they say anything about that?

A. I don't know, Mr. White, I think, talked about the Spring Grove and Mr. Campbell about the Western Avenue.

I was present in the Grand Jury at one time when the witness identified Kaplan. I had heard some witness talk about Kaplan before. I have heard lots of witnesses. Lots of witnesses, agents. Not before the Grand Jury.

Q. I am speaking about the inside of the Grand Jury room, so you won't be confused.

A. I don't recollect what the testimony was against Kaplan now.

1386 Q. When you put a case on, going to present a case to the Grand Jury of John Doe and Richard Roe, what is your step?

A. Jacketed case or unjacketed case?

Q. Where a man has violated the law.

A. There are different ways in presenting cases. The Alcohol Tax Unit has two departments.

Q. I am not speaking about the Alcohol Tax Unit.

A. I have—

Q. I will withdraw the question.

A. Then I will not answer it.

When I go in before the Grand Jury, I have a slip made out for the purpose of helping the secretary. That is true. I used to have Miss McGarry make it out for me, but it was done under my supervision. That is true that the first thing I usually do in the Grand Jury room is to hand that to the secretary, so he will know the names of the persons he can put on the Grand Jury minutes.

Q. The names that appear on here are the names that are on your slip?

A. Sometimes they are the names that are on the slip, and sometimes the names that develop during the hearing.

But I start out with my slip. Mr. White said that he considered Kaplan number one man and put his name as

number 1 on the blackboard. He was the most important man, as far as that case was concerned,—he was the number 1 man on the blackboard.

Q. He was not important off the blackboard, was he? The day you presented the matter of Raubunas, Widzes, Kaplan and Boguch, there was a No-Bill returned. Was that the same day you had on the Kaplan case, was it?

A. The day that Kaplan was No-Billed was the same day he was before the Grand Jury.

Q. I did not say that.

A. I didn't understand the question.

1387 Q. I say that on the same day, alongside of one another on the Grand Jury minutes, there appears Louis Kaplan was under consideration by the Grand Jury in two separate cases, is that true?

A. But it says "no witnesses attended."

Q. I asked you, is that true?

A. That both cases were presented to the Grand Jury on the same day?

Q. You had them on for presentation the same day, isn't that true?

A. That's right.

Q. You No-Billed one, the Widzes, Kaplan, Raubunas and Dewes case, and withdrew from the Jury's consideration, the other Kaplan case?

A. It says Raubunas, Kaplan, Widzes and Boguch, No-Bill; and the others were withdrawn by the request of Daniel Glasser and no witnesses were taken.

That is right that there were no witnesses at all that day. I don't remember that I did not ask any witnesses to come that day, I don't know why there were no witnesses there. I have no recollection of it. I recall one of the Duckett cases. I do not know that there was a rule of procedure in this court house, followed by the Executive Committee of the District Judges, that if a man, if more than one indictment was returned against a particular defendant, that the Judge who would get one case, would get all the cases. I thought it was the custom or practice of the Clerk's office to assign them all to the same Judge.

Q. Yes, so after you indicted Farber in the Beisner case and indicted Farber in the Duckett case, those two cases would go to the same Judge, is that true?

A. If they were both pending at the same time, they would.

In that way the Judge would have opportunity to see just how active the particular defendant was as a law violator. I did not indict Farber in the Beisner case.

Q. Because it was on the same day that you indicted Duckett, Farber and Weber, is that right?

1388 A. I don't remember that. That was not why that was No-Billed. You said he was No-Billed, because of that.

Q. I did not say "because."

A. You started your question with "because."

I do not remember that the Grand Jury returned the Duckett, Farber and Weber indictment on November 1, 1938; and on the same day the Beisner indictment was returned, but I suppose it is true if you say so. That was not true that Farber was caught right on the still premises with Adam Widzes in the Beisner case.

Q. That Farber was not caught in an automobile with Widzes on the Beisner farm?

A. You said in the still premises.

Q. Yes.

A. He was caught on the farm.

Q. It was a farm, was it?

A. And he drove on the farm.

Q. And was caught fifty feet of the barn back of the house, isn't that true?

A. That is not in the still premises.

Q. Well, of course, he was not actually in the barn, he did not drive into the barn.

A. The Courts have held different.

Q. He was found on the still premises, was he not?

A. Absolutely, but—

I don't remember if there was found in that automobile some implements that a person manufacturing alcohol would use. Oh, yes, I remember a certain kind of sieve. I don't remember that the automobile that Farber was found in, had all the back seats and cushions ripped out. I don't remember that. I don't remember that there was also some gasoline oozing out of that automobile and that the agents believed there was a stream of alcohol  
1389 emanating from the car. I remember the sieve. I remember Widzes' fingerprints were found on a lamp over a still—in some still. I don't remember when I learned of it or anything else, but I remember that. And his fingerprint was developed by the Alcohol Tax Unit and identified as the fingerprint of Adam Weges, I remem-

ber something like that. That is the man who was sitting in the automobile with Farber on the still premises. I think that is right that Farber's nephew was Ed D'vorak. I don't remember where he lived.

Q. After the arrest, he fled the jurisdiction, and that Farber's wife sent his clothes to him at some place in Iowa, do you know that?

A. Farber fled the jurisdiction and his wife sent his clothes to him some place in Iowa?

Q. D'vorak?

A. I don't know if his wife sent his clothes to him some place in Iowa. I didn't even know he left.

Q. Well, if you want to insist on being facetious, I said D'vorak.

A. D'vorak left the jurisdiction and his wife sent him his clothes.

Q. I said D'vorak went to Iowa and Farber's wife sent him his clothes.

A. I don't know anything about that.

D'vorak was a nephew of Eddie Farber, I knew that. I heard Mr. Connors testify here. I don't think I handled the disposition of Duckett. I might have, but I have forgotten.

Q. I think that as a matter of fact you were out of the office when it was disposed of?

A. Then I was not, you said I disposed of it.

It is true that I was in the case at the start. I don't remember if Mr. Roth was in the case too. No, I don't remember.

Q. And do you remember the testimony here where Mr. Duckett said that he was in the grill on South Dearborn Street—7 South Dearborn Street, when Kretske had a conversation and that Kretske left the place to go over and see you. Do you recall that conversation?

A. Do I recall that testimony?

1390 Q. Yes.

A. Yes.

That does refresh my recollection. That is one case you disposed of. I had a Buick automobile in 1936. It was a green Buick with white side walls as Paul Stryke said. That is right. I knew that Colonel Bailey was a special investigator of the Alcohol Tax Unit. He came to my office as a representative of the United States Government to confer with me regarding official business, that is true.

Q. He continued to confer with you regarding official

business after the said Hodorowicz case was tried before Judge Woodward, that's right, isn't it?

A. I don't like to say that.

It was just soon after that that I had no further dealings with Colonel Bailey so far as I was an Assistant United States Attorney. I don't know if I wrote the brief or had anything to do with the writing of the brief in the Paul Svec case. You see the Alcohol Tax Unit wrote most of the briefs for me and I imagine that they wrote that one too. I think Gilmore wrote that brief. I am not sure. I did not have anything to do with the brief in the Hodorowicz case. I would not sign a bill of exceptions because it was wrong in that case. The case was affirmed, but the bill of exceptions was not correct.

Q. As a matter of fact I wrote the bill in the Hodorowicz case.

A. I am not trying to intimate there was anything wrong with it.

Q. In arguing the case in the Circuit Court of Appeals, it was affirmed?

A. Yes, sir.

I did have something to do with the appeal. When they presented the bill of exceptions to me I said it was wrong and said, "I won't sign it." It was not turned over to me, it went over to Mr. Campbell and he signed it. He does not sign all of them. They are all signed in the name of the D. A., but he signed this personally. I had nothing further to do with it. I had nothing further to do with the brief. All of the time when I was dealing with 1391 Colonel Bailey on the Hodorowicz case he was coming to me and giving me facts regarding the violation of the Alcohol Tax laws that Hodorowicz and the crowd were supposed to be committing. He came to my office there in 857 and would ask for a conference and I would give it to him. I would sit down and talk over official business. That's right. I would say from his personal appearance and attitude in the case, Colonel Bailey did appear to me that he was anxious to prosecute the Hodorowicz case.

Q. You thought he was performing his duty in an honest and conscientious manner, did you not?

A. Well, if you please set the date I will answer it.

Q. Did you at any time? Well, I will set the date: Let's take up until the time you disposed of the Hodorowicz

case, was he performing his duties in an honest and conscientious manner, yes or no; I am asking you now?

A. Well, I am just trying to think—well, if you will let me think.

Q. All right, regarding the Hodorowicz case?

A. I am just trying to recollect. One thing came to my attention, and before I would answer that question I would have to think about that. I would say the answer to that is “no.”

Q. That he did not.

A. That he did not.

The Court: What was the question?

(Question read by the reporter as follows:)

“Did you at any time? Well, I will set the date: Let’s take up until the time you disposed of the Hodorowicz case, was he performing his duties in an honest and conscientious manner, yet or not; I am asking you now?”

The Witness: I say “no.” That is the way I felt about it.

The Court: Q. Mr. Bailey did not perform his duties in an honest and conscientious manner?

A. That is my interpretation of how I felt—nothing dishonest, he was not taking any money from anybody or anything like that.

Mr. Ward: Q. Why do you characterize it that way?

A. Because I have just been trying to recollect, and that is the reason it took me so long to answer. When I had Frank Hodorowicz in my office and he told me he wanted to plead guilty and I told him I would recommend five years for him if he would plead guilty, I have a recollection of having been—and a few days later I told Bailey that Hodorowicz wanted to plead guilty, and asked me what I would recommend and I said I would recommend five years and subsequently I have a recollection now of hearing—I just can’t recollect from whom—that Bailey went out to Hodorowicz and he said to him: “Now, here is Glasser, he wants to get five years.” This was three or four days after I had had a conversation with Hodorowicz. He said: “Here is Glasser, he wants you to get five years.” “So far as the Alcohol Tax Unit is concerned, we only want you to get three years.” Bailey said: “What is the matter with Dan up there? Does he want you to give him some money and you won’t give it to him.” Now, so far as I was concerned, I felt that was not an honest approach.



Q. Now, Mr. Glasser, as a matter of fact, Colonel Bailey had a conversation with you in which you said that they were going to get the Hodorowiczs five years and that Bailey said: "Well, that's all right—five years is fine, but we will be satisfied to settle for three." Do you remember that conversation?

A. Yes, sir.

He told me that he would be glad to settle for three. Perfectly satisfied for Hodorowicz to get three years. I talked to Horton about Bailey after I was indicted. I talked to him before that time.

Q. You talked to him about going out to Frank Hodorowicz?

A. Who? Me?

Q. Yes. Going out to Frank Hodorowicz? No. About Horton going out there?

A. Oh, I thought I went out there—I talked to 1393 Frank—when, now? I would appreciate your fixing the time because, you see, I left the office three or four months before I was indicted.

Q. This conversation, Mr. Glasser, directing your attention to shortly after the Hodorowiczs were convicted, did you have a conversation with Tony Horton about Bailey?

A. Well, while I was still in the office?

Q. Yes.

A. I don't recollect any conversation with him. If you refresh my recollection about what the conversation was, I will tell you whether I had it or not. I don't recollect what conversation you have reference to.

Q. Did you have any conversation with Horton about Bailey?

A. Sure, I say I have had lots of conversations with Horton.

Q. After the Hodorowiczs' conviction.

A. I was only in the office about two months after the Hodorowiczs' conviction.

During 1937 and 1938, all of the time when I was in the office, I would see Horton, many times when I was with you. Many times you and I would be talking down the hall together and we would see Horton. We would see him in the District Court. That is right he would walk back and forth there into the different offices. I would not say that I would see him quite often in my office. He would come in and ask me if I would not recommend some

bond be reduced or something. I do not remember the Kasmerzics case. I remember the man Ostrowski that testified in this case but I don't know him. I prosecuted an Ostrowski. I don't remember if it was a man about 78 years old.

Q. There was a still found in the place at Ostrowski's and Steve Ostrowski's father was indicted, the grand jury indicted him at your request, that is right, isn't it?

A. If you say so. I don't remember. I would say yes.

Q. In that case you knew Mike Hodorowicz, didn't you?

A. When? I don't know when that case was.

Q. I asked you, did you know Mike Hodorowicz?

1394 A. My answer is I do know Mike Hodorowicz.

He is a brother of Frank. That is the man I convicted and he got nine months. I do not know whether or not he signed Kasmerzic's bond. How would I remember that? I say I don't remember. I don't have any recollection of that Kasmerzic's case. I have a sort of recollection of the Ostrowski case because I remember the lawyer that used to come up to see me regularly about it but I don't remember its disposition. I don't know whether I did or not at that time know that he was the father of Steve. I don't know Steve. I don't know where the still was. No, gosh, no. I did not have any idea that it was part of the Hodorowicz mob. I didn't know that. I was anxious to get a man named Kanzenback who lived up in Waupun, Wisconsin and was seventy years old.

Q. Who is it that serves warrants, after a man is indicted and a bench warrant is issued, who has to do with the apprehension and service of the warrant?

A. Service of the warrant is generally handled by the Marshal, but the apprehension—

Q. Just a minute.

A. You asked me two questions.

The Court: Answer the question.

The Witness: He asked me two questions.

The Court: They are returned to Court and filed with the Clerk of Court and then they are turned over to the Marshal.

The Witness: For service—but the apprehension—he asked me the questions, Judge. The agents of the Alcohol Tax Unit generally go out and try to find these men.

The Court: The papers are actually served by the Marshals, aren't they?

The Witness: Yes, sir.

1395 I never was in Waupun in my life.

Q. You called up the Chief of Police and it was so small you talked to him and said: "Is Kanzenback out in the square?" "Will you go out and look for him?" "Isn't that true?"

A. I don't know what size town it is.

I did say that.

Q. You didn't think it was a very big place that you would call up a Chief of Police on the telephone and he should go out in the square and get the man, did you?

A. I did nor I would not have asked.

Q. You thought it was a big place?

A. I thought he would be able to get him.

Q. You thought it was a small place?

A. I didn't think it was a very small or large, that is the town where the penitentiary is.

Q. Now answer, is it small or large?

A. I would say it is a small town.

Q. And the Marshal with his writ would have no trouble getting Mr. Kanzenback in a small town, would he?

A. I don't know. He ought to.

Q. So the Marshal up in Milwaukee or wherever this place was that you say—he would not perform his duty conscientiously either and you had to go up there and perform it for him, is that right? Yes or no?

A. Yes.

The Court: Q. What led you to believe the United States Marshal of the Eastern District of Wisconsin would not perform his duty?

A. I didn't think of the Marshal but it was given to them for attention—that I would have to think about it.

Q. Was there anything in your experience with the United States Marshal that indicated anything like that?

A. I didn't know the Marshal at all, no, sir.

1396 Q. You say, there is no reason why you believed there was, and there was nothing to make you believe he would not perform his duty?

A. But the way Mr. Ward put the question, it was before then, your Honor, put it.

Q. If that writ was filed and presented to the Marshal of Waupun or in the District, there is no reason why you know he would not serve that writ?

A. May I say this, in connection with that writ?

Q. Just answer this question: There is no reason why he would not have served that writ, as any other writ?

A. The Marshal—

Q. That is the only one supposed to serve it.

A. I gave that writ to Frank Coonan and he said: "I will take it up to him." And I did not mail it to him.

(Mr. Ward continues cross-examination.)

I did journey to Milwaukee. I don't remember how I went. I just can't remember how I went up there, whether it was by the electric or by automobile. I don't know who paid my expenses. I suppose the Government paid it. I don't know. I really don't know. I know as an Assistant United States Attorney, that the disbursing officer in this District is the Marshal and he is charged with the service of the writs and he gets paid for that by the United States Government.

Q. And you know there was no fund set aside by the United States Government to reimburse Assistant United States Attorneys for a man running over to different states trying to serve writs.

A. You should have asked Judge Igoe.

Q. I am asking you.

A. I had nothing to do with that. He was my superior. I had to do what I was told.

1397 I did talk to Judge Igoe about Abesketes before I went up to see about Kanzenback. I said I understood that he was a big operator. We had no report on Nick Abesketes in our office. I don't know how long I spent talking to Judge Igoe about Abesketes. That is a couple of years ago. I don't remember. I do remember that my superior told me to do something, I remember that because I remember the reason for it. I heard Judge Igoe testify.

Q. First he said he thought it was Kanzenback.

A. First he thought it was Abesketes.

Q. Then a fellow named Brown?

A. He is in the same position I am. We are not memory experts, you know.

Q. You did not remember about that conversation on Abesketes?

A. I didn't remember? I remember it.

Q. As it referred to Kanzenback?

A. I remember, yes, I remember, sure. I said that I remember.

I went down to Washington on that case where I got twelve convictions, for the purpose of having these defendants have their sentences reduced. That's right. I

don't remember if I talked to Judge Woodward before I went to Washington about the sentence reduction. I think I did. That calls it to my mind. I think I did. I did tell Judge Woodward I was going to Washington to try to have those sentences reduced. I think the conversation I had with Judge Woodward comes to my mind, and I would not be surprised but what somebody from the Alcohol Tax Unit was there.

Q. Just answer the question.

A. I am thinking out loud.

I remember that we went to Judge Woodward, I have a faint recollection of having gone to Judge Woodward after the sentences by him and asking him something about reducing the sentences and I think he said— Well, it seems to me somebody was with me. I don't remember but it seems to me somebody was with me from the Alcohol 1398 Tax Unit, was with me. I don't think it was anybody else from any other unit. There would be no reason for it. I could tell you who so you could find out. Either Mr. Bailey or Mr. Herrick.

Q. That went to Judge Woodward with you to talk about sentence reduction?

A. You scare me.

Q. No, I don't scare you.

A. Let me answer the question.

The Court: Finish the answer.

A. I have a recollection, which seems to me, that somebody went to Judge Woodward with me and if anybody went to Judge Woodward with me it would be Mr. Bailey or Mr. Herrick. Now, if either one of those gentlemen did not go with me, I went alone.

The Court: Q. Just a minute, on that point. Was it your solemn judgment that the cause of good government would be best promoted by turning these twelve defendants loose who had been convicted and in exchange have their testimony to convict Abesketes?

A. Yes, sir, it was the judgment of myself, Judge Igoe and Mr. Herrick.

Q. To turn twelve defendants loose on the streets who had been convicted of operating or involved in the operation of some still with Abesketes, in exchange for their testimony which might convict Abesketes, when Abesketes was at that time under indictment in the Eastern District of Wisconsin; is that your solemn judgment?

A. It is my solemn judgment, yes, resulting from con-

ference with Mr. Herrick and Judge Igoe. Mr. Herrick went to Washington for the same purpose I did, as I am being blamed with it, but he went down there with me.

Mr. Ward: I move these remarks be stricken out, so that they cannot be in this record to be argued later.

The Court: It may be stricken. I asked him about his own judgment.

1399 (Mr. Ward continues cross-examination.)

I went to Washington after the conviction. Judge Woodward did not say he would vacate those sentences. I think not. No. That's right that when I went to Washington I knew then that the Judge who sentenced the men would not vacate or modify the sentences.

Q. So now you are down in Washington and I think you said you warmed some bench out there for a considerable time?

A. Yes, sir.

I remember that. Then I got an interview about this sentence reduction and I came back to Chicago and the prisoners were over in the County Jail. That's right.

Q. Had you talked to Bailey before that or after that, wherein Brown's name was mentioned?

A. Before I came back from Washington?

Q. Well, you couldn't talk to him before you came back from Washington unless it was on the long distance phone and you didn't call him up over long distance, did you?

A. No, but I could have talked to him before I went.

I did talk to him in my office. Frank Brown was not present then when I was talking to Bailey. I never was in Bailey's office in my life. I had a conference with Frank Brown in Bailey's presence or Bailey and I had a conversation in Frank Brown's presence. I don't remember that Frank Brown told me that Nick Abesketes asked him to rent the Murdock farm. Mr. Bailey says that, but I don't recollect receiving a report on that. I don't remember if that was after I got back from Washington.

Q. That conversation about the Murdock farm?

A. No, but if you show me Mr. Bailey's report I will recollect. He would not show me that.

Q. Just a minute. I am asking questions, please, you are the same as any other witness.

A. I know I am.

Q. Look at that diary there, February 21, 1938,  
1400 and look at the memorandum and then tell us whether it refreshes your recollection?



A. No, I did not remember that we were there twice, according to this we were twice.

I don't remember that. I don't know if that was after I came back from Washington. I really don't remember.

Q. Do you know, Mr. Glasser, when the defendants in that case which we will call the Murdock farm case, which is the case mentioned about the trading of twelve convicted prisoners for one, do you know when they were committed to the penitentiary?

A. No, sir.

Q. Does it refresh your recollection to tell you that it was in March of 1938?

A. I wouldn't know, I would not have a record of when they were taken down there.

Q. Well, it was after you got back from Washington, it was somewhat after February 25th, wasn't it?

A. I don't know when it was.

Q. And you haven't a recollection of that?

A. Not the dates.

Q. All right. Was it after you had a talk with Mr. Herrick and Mr. Byrnes, and was told by Mr. Herrick and Mr. Byrnes that the people from Wisconsin had sufficient evidence to convict Nick Abesketes, and that the prisoners should be permitted to go to the penitentiary on their mittimus,—do you recall that?

A. I don't recollect that conversation, no.

Q. Well, look at the docket sheet in this case, in 3621, and see if that does not refresh your recollection now, when the mittimus issued and these prisoners were sent to the penitentiary.

A. It says the commitments were issued, that they were committed to the penitentiary on the 22nd of March. That does not refresh my recollection, I didn't know anything about that.

1401 Q. What year?

A. 1938.

Q. As far as you were concerned, you knew then that the Abesketes matter was closed, as far as you were concerned in this district?

A. Yes, sir.

Q. Now, you recall the Svec matter, do you not?

A. Which Svec matter?

Q. Paul Svec.

A. Which case?

Q. Paul Svec in December?

A. Yes, sir.

Q. Was that about December 9, 1938?

A. About then.

I don't think I recall who the agents were in that case that arrested Svec. I think Newell was one and Kral was one. I did not call in Mr. Kral for a talk with him with reference to the matter. He was one of the agents making the arrest. I think I did call in Mr. Newell.

Q. Did you have any report on the Svec case from the Alcohol Tax Unit before you went in to the Commissioner?

A. I imagine I had the regular letter that they usually send, when a defendant is brought to the District Attorney's office.

I don't know Cahoon. I don't remember him. I have no recollection of Cahoon. I might know him if I would see him. I don't know if he was one of the agents in that case, or not. I recall the morning Svec was brought over to my office. I do not recall what agents of the Alcohol Tax Unit brought him over. There were two agents, as I recall, brought him over. I do not recall the agents' names. They sat outside my office. I asked them to sit outside. I wanted to talk to Svec. At that time Mr. McFarland was secreted in the closet,—in the room off my office. After I got through talking with Svec I did not take him in before the United States Commissioner. But we went in there.

For my inspection of the record, I find that the case 1402 was continued that day. And finally disposed of. Alfred Roth represented Svec. Svec was discharged.

Q. Now, between the time that the agents brought Svec into your office,—I am speaking now of December 9, the day that Mr. McFarland was secreted in the room, off your office, down to and including the time that Svec was discharged before the United States Commissioner, did you talk to Kral or Cahoon at any time and get from them the facts surrounding the rest of Svec?

A. I don't recollect. I probably did not, because that letter of transmittal would have had the facts.

Q. You are familiar with the rule of evidence, if a man is arrested and charged with commission of an offense, and he says nothing or attempts to bribe the arresting officer, that evidence may be offered as proof of the guilt of the particular offender, are you not?

A. Yes, sir.

I don't recall that I questioned Mr. Kral or Mr. Cahoon to find out whether or not Svec had attempted to bribe them after his arrest, I don't think I did.

Q. Well, don't you recall any evidence at all that was presented to the Commissioner before Svec was discharged?

A. The only thing I remember about the evidence presented is as to Svec, was that they were leaving a distillery somewhere on North Wells street and Svec drove by during the course of the seizure, and looked in the direction of the distillery; that the agent then chased him or followed him in a car for a block or two; that Svec stopped his car, got out of his car and started to run away and they caught him. That is all I remember of the testimony against Svec.

I saw Norton Kretske after that during the month of December, 1938. I saw Kretske at the Sherman Hotel. That was the night I was called at the Sherman Hotel. I did not request Kretske to come over.

1403 Q. Well, after Svec had said this, giving you this conversation in your office, and you said to him that you ought to punch him in the nose, is that right?

A. Yes, sir.

Q. After you said that, did you make any attempt to inquire from the agents just what Svec had told them when they were arresting him?

A. I don't recall that, I don't recollect any conversation with the agents about that.

I do not later recall indicting Bernstein and Naples.

Mr. Ward: Mark this with the next number, 212.

(Document marked as requested.)

Q. Does this refresh your recollection, No. 212, as being the file in the Bernstein-Naples case?

A. None of that is my handwriting.

My name appears at the bottom of it, but none in my handwriting. I don't recall appearing before the Grand Jury in that case. If you show me the report, I probably would remember. None of that is in my handwriting.

Mr. Ward: Mark this No. 213.

(Document marked as requested.)

The word "held" on file 213 is not in my handwriting.

Q. Well, directing your attention to the correspondence in this No. 213 at the left-hand corner, on several letters the name of Glasser appears, does it not?

A. Yes, sir, but none is my handwriting.

The name of Glasser appears there.

Q. Now, can you tell us what report you had from the Alcohol Tax Unit when you were in before the Commissioner, representing the government in that preliminary hearing in the Svec case?

A. Well, I probably had a letter of transmission, as they used to send them. In practically all cases, they send along a letter with the agents, when they brought the defendants.

1404 I do not recall them sending along a letter of transmittal in the Kwiatkowski case, I don't remember. They generally do in all cases. That letter is to inform me briefly what the facts are, so I can represent the government intelligently before the Commissioner.

Mr. Ward: Mark these Nos. 214 and 215.

(Documents marked as requested.)

Q. Are these the District Attorney files that you had in the cases of the convicted defendants in the Murdock farm case?

A. I think this is mine, and some of this is my handwriting. The dates are in my handwriting, and here it says, "Not guilty as to all defendants", is in my handwriting.

Q. There are the files in the case, aren't they, Mr. Glasser?

A. Yes. I don't think any of this is my handwriting.

Mr. Ward: Mark this No. 218.

(Document marked as requested.)

Q. I think you looked at 216. That is the docket entry?

A. Yes, I saw that.

Mr. Ward: Mark this 217.

(Document marked as requested.)

Q. 217 is the docket entry in the other case. There were two cases there, is that right?

A. I did not remember that there were two cases.

Q. Does that refresh your recollection?

A. I didn't remember there were two cases.

(Witness excused.)

ALLEN JOSEPH CHINNERELLO, called as a witness on behalf of defendant Daniel D. Glasser, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Callaghan.*

My name is Allen Joseph Chinnerello. I am Pastor of St. Anthony's Church—Kensington. I do know the defendant, Daniel D. Glasser about one year and a half. I know the member of his family, I know his wife.

1405 Mr. Ward: Your Honor, this witness is called for the purpose of testifying to Mr. Glasser's general reputation, I presume, we will admit he knows him and that he would testify that his reputation was good, to save time.

Mr. Stewart: All right, we will accept that.

(Witness excused.)

SAMUEL R. BAYLISS, a witness called on behalf of the defendants, Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Callaghan*

My name is Samuel R. Bayliss. I reside at 3712 Pine Grove Avenue, Chicago. My business is insurance. I do know the defendant, Norton I. Kretske practically all his lifetime. I was born about a block away from where he was born. I know all the members of his family, and have many mutual friends and acquaintances. I do know his general reputation as to honesty, integrity and a law-abiding citizen prior to September, 1939. It is very good.

Mr. Callaghan: Cross-examine.

Mr. Ward: No cross-examination.

(Witness excused.)

MEYER GOLDE, a witness called on behalf of the defendant, Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Callaghan.*

My name is Meyer Golde. I live at 511 Brompton. I am a restaurateur. My place of business is located at 810 and 812 West Roosevelt Road. I know the defendant, Norton I. Kretske. I have known him all his life. I have been in business in that same general community there for thirty years. I do know his general reputation prior to September of 1939, as to honesty, integrity and a law-abiding citizen. Good.

1406 Mr. Callaghan: That is all. Cross-examine.

Mr. Ward: No cross-examination.

(Witness excused.)

SAMUEL MARTIN ROBIN, a witness called on behalf of the defendant Kretske, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Callaghan.*

My name is Samuel Martin Robin. My profession is that of doctor for thirty-four years. My office is located at 901 West Roosevelt Road. I know the defendant, Norton I. Kretske, I have known him better than thirty years, I have been his family doctor during all that period. I do know his general reputation as to honesty, integrity and a law-abiding citizen. Very good.

Mr. Callaghan: Cross-examine.

Mr. Ward: You mean before September, 1939?

Mr. Callaghan: Prior to the indictment.

Mr. Ward: He did not say that, but I suppose that is what he means. No cross-examination.

(Witness excused.)



PATRICK J. MALLOY, a witness called on behalf of the defendant, Kretske, being first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Callaghan.*

My name is Patrick J. Malloy. I am a priest of the catholic faith. I have been a priest twenty-three years. I know the defendant Norton I. Kretske since about 1920, I believe; since 1921, I believe the fall of 1921. I know his father very, very well. I visit their home.

Q. Father, prior to September 29, 1939, did you know the general reputation of the defendant, Norton I. 1407 Kretske, for honesty, integrity and as a law-abiding citizen?

A. I always recognized him as such.

Q. Was that reputation good or bad.

A. It was always good.

Mr. Callaghan: Cross-examine.

Mr. Ward: That is all, Father.

(Witness excused.)

The Court: At my request, the Government has furnished me with this. Let the record show that Nick Abesketes was indicted in the Western District of Wisconsin on January 27, 1936; and that he was indicted in the Western District of Wisconsin, July 20, 1938.

Mr. Stewart: Have you the disposition, your Honor?

The Court: To the indictment in the Western District, he pled guilty and was sentenced.

Mr. Stewart: Is that the case that was spoken of?

The Court: After that, the indictment in the Eastern District was dismissed. It covers the same subject matter, I know that for a fact.

Mr. Stewart: We will accept your Honor's credibility.

The Court: I happen to know something about Nick Abesketes.

The defendant Glasser during the course of the trial, offered in evidence, the following petition for a rule on E. C. Yellowley and Levi Z. Baker to show cause why they should not be held in contempt of court; and the answer of the said E. C. Yellowley and Levi Z. Baker thereto:

1408 IN THE DISTRICT COURT OF THE UNITED STATES  
OF AMERICA

For the Northern District of Illinois.

United States of America,	} D. C. Number
<i>vs.</i>	
E. C. Yellowley and L. Z. Baker.	} of the April Term
	} in the year 1937.

PETITION.

Now comes Michael L. Igoe, Attorney for the United States of America, for the Northern District of Illinois, who prosecutes for the District Court in this behalf, before the Honorable James H. Wilkerson, one of the judges of said court for the United States of America, and respectfully give the Court here to understand and be informed:

That on April 5, 1937, a grand jury for the April, 1937 term of said Court in the said district and division, was duly impaneled and sworn before the Honorable James H. Wilkerson.

Petitioner further respectfully represents that upon the impaneling and swearing of the said Grand Jury, one Sidney S. Eckstone was appointed Foreman of the said Grand Jury by said Judge.

Petitioner further respectfully represents that subsequent to April 5, 1937, the day on which said Grand Jury was impaneled and sworn, E. C. Yellowley and L. Z. Baker, respondents herein, and each of them, well knowing the said Sydney S. Eckstone to be the foreman of said April, 1937 Grand Jury, did have private communications and conferences with the said Sydney S. Eckstone, Foreman as aforesaid.

1409 Petitioner further alleges upon information and belief and states the fact to be, that E. C. Yellowley and L. Z. Baker, did solicit, the said Foreman of said Grand Jury, Sydney S. Eckstone, to appear in a private Room of the Congress Hotel, situated in the City of Chicago, State of Illinois, in the division and district aforesaid, to-wit, Room 1822, on the evening of April 21, 1937, at, to-wit, 7:30 P. M.

Petitioner further alleges upon information and belief and states the fact to be, that said Sidney S. Eckstone,

acting upon the invitation of said respondents, did go to the said room, to-wit, Room 1822, in the said Congress Hotel, in the City of Chicago aforesaid, on the said night of April 21, 1937, at, to-wit: 7:30 P. M.; and petitioner is further informed and believes that the said Respondents, E. C. Yellowley and L. Z. Baker, both being present in the said room on the date set at the said time, did converse with the said Sydney S. Eckstone upon certain matters, and in connection with certain persons and things which were pending before the said April, 1937, Grand Jury, of which the said Sydney S. Eckstone was Foreman, and that the said conversations lasted approximately two and one-half hours, after which the said Sydney S. Eckstone, did leave the said Room 1822 in the said Congress Hotel, and that subsequently thereto on, to-wit, April 22, 1937, at, to-wit, 11:45 A. M. the said grand jury was discharged by the Honorable James H. Wilkerson, in the District Court of the United States for the Northern District of Illinois, Eastern Division thereof.

Wherefore, petitioner respectfully prays this Honorable Court that a be entered herein said respondents E. C.

Yellowley and L. Z. Baker, forthwith to show cause, 1410 if any, they have, why they and each of them, should not be adjudged in contempt of this Court for their said actions, and that the Court make such further order in the premises in accordance with laws as to the court shall seem meet.

M. L. Igoe,  
M. L. Igoe,  
*United States Attorney.*

1411 IN THE DISTRICT COURT OF THE UNITED STATES  
OF AMERICA.

\* \* (Caption) \* \*

ANSWER.

The answer of Edward C. Yellowley and Levi J. Baker, described in the proceedings as L. Z. Baker, to the order of this Court to show a cause why they should not be adjudged in contempt of this Court for and on account of alleged actions as set forth in the petition filed in this cause by the Honorable M. L. Igoe, United States Attorney

for the Northern District of Illinois, Eastern Division, respectfully represents.

First: That they admit each and every fact alleged in the petition and volunteer to this Court that said acts complained of were improper. They respectfully extend to the Court their sincere apologies for such improprieties, but submit that as hereinafter appears such acts were not contemptuous of this Court.

And further answering the petition, Respondents aver:

Second: That at the time of the performance of the acts upon which this contempt charge is based the respondent Yellowley was and now is the supervisor of the Alcohol Tax Unit in the Bureau of Internal Revenue, Treasury Department of the Government of the United States for the Ninth District, with headquarters in Chicago, Illinois, and has been in the service of the United States for approximately thirty-eight years. That at said times, the respondent Baker was and now is the Senior Inspector in charge of the Retail Liquor Dealers Section in said Ninth District and has been in the 1412 service of the United States for approximately nine years.

Third: That prior to the date of the conversations alleged in the petition and admitted in this answer, both respondents had been called and testified as witnesses before the Grand Jury for the April, 1937 term of this court, and from the proceedings it became apparent to them that the inquiry being made by the Grand Jury was not directed to any criminal investigation or prosecution, but was merely an investigation into the administration of the Alcohol Tax Unit in Chicago, of which the respondent Yellowley was the chief officer and said respondent Baker, a senior inspector therein; that such inquiry was not of a nature and kind ordinarily and usually within the scope of a Federal Grand Jury's inquiry.

Fourth: That such conversations as were had by your respondents and the said Sydney S. Eckstone were not in connection with any criminal matters pending before the said Grand Jury, but related solely to the inquiry being made by the Grand Jury concerning the administration of the office of the Alcohol Tax Unit aforesaid.

Fifth: That the acts complained of in this proceeding were done without any desire or intent on their part to interfere with, tamper with, or to influence in any manner the action of this Court or the Grand Jury were done

with the sole affirmative desire on their part to be helpful to the said foreman, of the Grand Jury into the Administration of the Office of Alcohol Tax Unit in Chicago.

1413 Wherefore, respondents although conceding the impropriety of and apologizing for their acts respectfully pray the Court that the application in this proceeding, that they be adjudged in contempt of this court be denied.

E. C. Yellowley,  
Levi J. Baker.

And the defendant Glasser further offered to prove that he prepared, presented, and prosecuted the rule against the respondents, E. C. Yellowley and Levi Z. Baker.

To which offer of proof the United States Attorney objected and which objection was sustained by the court, to which ruling of the court the defendant, Glasser, duly excepted.

(Whereupon the defendants, by their respective counsel, then and there rested their case.)

(Whereupon there was offered and received in evidence defense EXHIBITS NOS. 84 to 91, inclusive, and made a part of the record herein. Thereupon, there were offered and received in evidence as government's exhibits, EXHIBITS NOS. 164, 165, 166, 167, 168, 169, 171, 172, 175, 177, 178, 179, 216, 217, 213, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 120, 209, 92, 228, 229, 230, 231 and 232, and made a part of the record herein.)

1414 Thereupon, the government in rebuttal offered the following evidence:

THOMAS BAILEY, recalled as a witness for the Government in rebuttal, having been previously sworn, was examined, and testified as follows:

*Direct Examination by Mr. Ward.*

Q. You are the same Thomas Bailey that testified in this case previous to this?

A. I am.

Q. This may be repetition, but just when was it that you became connected with the Treasury Department of the United States?

Mr. Stewart: Your Honor, just a moment, I object to that, it is not rebuttal because we did not put in anything about when he was connected with the Treasury Department. I would like to hold down the rebuttal if we can, your Honor.

The Court: Well, whether that question was preliminary—

Mr. Ward: It was just by way of introduction.

The Court: Preliminary, leading up to it.

Mr. Ward: Yes.

The Court: Objection overruled.

Mr. Ward: Refreshing his recollection.

The Court: Objection overruled.

The Witness: 1926.

Mr. Ward: Q. Where were your services performed for the United States so far as your Treasury Department connections were concerned before 1926?

Mr. Stewart: I object. That is not rebuttal.

Mr. Ward: After 1926.

1415 The Court: It is not strictly rebuttal. I don't know, unless you have something leading up to it.

Mr. Ward: They testified this man run out of the south.

The Court: Objection overruled.

The Witness: I was stationed at Philadelphia, Wilmington, Delaware, Baltimore and the Western District of Virginia.

Q. Who was the judge in that district?

A. Judge John Paul.

Q. Who was the Assistant District Attorney or the District Attorney in that district?

A. The District Attorney was Joseph Chitwood.

Q. Did he have any Assistants?

A. Yes, he did. Frank Tavener and Howard Gilmer.

Q. Do you know who the Clerk of the District Court was?

A. Clarence Gentry.

Q. Was he Clerk of the District Court all of the time that you were in the south performing service for the Government?

A. Yes, he was.

Q. Did you investigate a number of cases involving violations of the Alcohol Tax laws which afterwards resulted in trials before the judge you have spoken of?

A. Yes, I did.



Q. Did you hold any decorations from the United States Government?

Mr. Stewart: I object to that. That is immaterial.

Mr. Ward: I want to show the character of this witness.

The Court: Objection overruled.

Mr. Stewart: That would not show his character now.

Mr. Ward: I want to show the type of character of the man they said was run out of the south.

The Court: All right.

The Witness: I was awarded during the World 1416 War the American Distinguished Service Cross, the French Croix de guerre with a gilt star and the purple heart with oak leaf cluster.

Q. What did you serve as in the World War?

A. Lieutenant and Battalion Commander.

Q. Did you receive these marks of honor because of injuries received in the discharge of your duty?

A. The two decorations were for valor; the purple heart was because of two wounds received in action.

Q. At any time were you ever run out of the south, in any case, by any judge, or any other official?

Mr. Stewart: Please allow me the opportunity to object.

The Court: That he was ordered out of the courtroom by some judge.

Mr. Ward: Q. Were you ever ordered out of the courtroom in the south by any judge?

Mr. Stewart: Will you permit me to make an objection?

The Court: Yes.

Mr. Stewart: It is not a question of what the fact is on that. That was a matter of some conversation, and whether the man was ordered out or not is secondary and it is a question incidental in some conversation.

The Court: Objection overruled.

Mr. Stewart: He said he heard he was.

The Court: Mr. Roth said he heard it from the other defendant, Glasser. Glasser he said heard it from somebody whom he relied upon and believed, but he doesn't remember who it was.

That is my recollection of the testimony.

Mr. Stewart: They could still hear it.

The Court: Objection overruled.

Mr. Stewart: Exception.

The Witness: I was never run out of any court.  
1417 Mr. Ward: Q. Or ordered out of any court?

A. I was never ordered out of any court.

Mr. Ward: You may cross-examine.

*Cross-Examination by Mr. Stewart.*

Q. I have your service history. You went in the service on 7/10/26, didn't you?

A. That's correct.

Q. Prohibition agent, twenty-one hundred dollars a year?

A. That is correct, sir.

Q. On 8/1/26 you received a promotion which carried a salary of twenty-four hundred dollars a year?

A. That is correct, sir.

Q. 3/7/27 you resigned?

A. That is correct, sir.

Q. 10—1931 you went back on probational appointment?

A. That is correct.

Q. Then from there on you have some changes and you have been in it since?

A. That is correct.

Q. There was a period from 3/27/27 until 10—1931 that you were out of the service?

A. That is right, sir.

Mr. Stewart: That is all.

The Court: Q. Have you your diary there with you?

A. Yes, sir, I have.

Mr. Ward: I was only putting him back for that particular evidence, your Honor. There are some other matters I would have to ask him about later.

The Court: That is all for now.

(Witness excused.)

1418 CLARENCE E. GENTRY, called as a witness on rebuttal on behalf of the Government, having been first duly sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

My name is Clarence E. Gentry, I live in Harrisburg, Virginia. I am Clerk of the United States District Court, Western District of Virginia, and have been since Sep-

tember 1932. Previous to that time I was First Assistant United States Attorney for the Western District of Virginia. Judge Paul is now my superior. He sat at Harrisburg, Charlottesville, Lynchburg, Roanoke, Abingdon, Danville, Big Stone Gap. Judge Paul has been Federal Judge there since 1932. As Clerk of the District Court I had occasion to travel with the judge on the circuit, it embraced all those places, holding court, where I have mentioned. As Clerk of the United States District Court I had occasion to be present when various cases and causes would be tried and disposed of. I know Colonel Thomas Bailey, I have known him since 1933. He served with me as an investigator while I was First Assistant United States Attorney.

Q. While you were First Assistant United States Attorney or while you were Clerk of the United States District Court did you ever see or know about the Judge at any time—any judge in the circuit—ordering Mr. Bailey out of his courtroom or out of his district?

A. No such thing ever happened.

*Cross-Examination by Mr. Stewart.*

I learned by telephone communication from Mr. Ward on Friday of last week for the first time that I was going to be a witness here.

(Witness excused.)

1419. GORDON S. MORGAN, recalled as a witness on behalf of the Government, in rebuttal, having been previously sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

I have within the past week examined the records of the United States Attorney's Office for the purpose of making a summary of the number of cases that were handled in the United States Attorney's Office from the time Mr. Glasser entered the service until he ceased to be in the service. I am able to tell from that examination that there were 4,145 cases in the District Attorney's Office in that time. Mr. Glasser handled of those cases 974.

(Witness excused.)

THOMAS BAILEY, recalled as a witness on behalf of the Government, in rebuttal, having been previously sworn, was examined and testified as follows:

*Direct Examination by Mr. Ward.*

Q. You are the same Thomas Bailey that has testified here before?

A. Yes, sir.

Q. Now, Mr. Bailey, as a Special Investigator of the Alcohol Tax Unit, there has been some testimony here about Special Agents making daily reports to the Investigator of the Alcohol Tax Unit,—

Mr. Ward: I want to have this marked by the Reporter, with the next number, will you look at these, please, and tell us whether or not—strike it—what are those documents?

A. These are daily reports that are made out by every investigator, and special investigator in the Alcohol 1420 Tax Unit. They set out briefly the activities of the investigator or special investigator for the day.

Q. Are you able to tell the Jury from an examination of these records what special agent was supposed to have made out those?

A. Yes, sir, the signature of the special investigator or the investigator is at the bottom of the report.

Q. Now, look at these two reports, which for the purpose of the record are Thomas Bailey, Special Investigator, and tell us whether those are your reports?

A. These are mine.

Q. Filed in the regular course of business for the Alcohol Tax Unit?

A. Yes, sir.

Q. Now, directing your attention to the date on there, 1/26/38, was that record made by you contemporaneously with the transactions that it indicates?

A. Yes, sir.

Q. And what does that indicate?

A. The report in January 21, 1938 sets out briefly my activity for that day.

Q. Is that the 21st or 26th?

A. January 21st, it sets out.

Q. On January 26th what does your report indicate?

A. Also sets out briefly my activities for that day.

Q. Well, does it indicate you had any conference with the former District United States Attorney?

A. It does.

Q. What does it say?

A. The report says the Special Investigation Case Number 5357-M, that is your number—

Mr. Stewart: Will you pardon the interruption?  
1421 For the purpose of the record I feel it is my duty to object, this is an attempt to corroborate this man who has been a witness here on something he wrote out of the presence of any of the defendants.

Mr. Ward: It is not for that purpose at all. The purpose of showing this is to show the accuracy of this report, because we are introducing some reports made out by Agent Smallwood, to the Defendant Glasser, and I want to show the accuracy of the reports, show what they reflect.

The Court: Objection overruled.

The Witness: A. The report shows special investigation 5357-M, that is our number of the Hodorowicz conspiracy report. And goes on further to say, investigation—

Mr. Stewart: I object, if the report is admissible, we can read it as well as the witness can.

Mr. Ward: Q. Was that made out on the same day of that transaction, the same day that transaction occurred?

A. It was made out the following morning.

The Court: It is short, read it. Go ahead and read it.

A. "Investigations in Chicago at Stony Island still, case continued before United States Commissioner until February 16, 1938. Conferred with Assistant United States Attorney Glasser, and with United States Attorney Igoe. He: Above numbered case, used Government car Number 2255."

Mr. Ward: Q. Now, in conjunction with your work did you keep a diary? And do you?

A. Yes, I do.

Q. I will show you a book here, 1938, it is a black book. I will ask you if that is the diary you kept while you were investigator?

A. This is my diary for the year 1938.

Q. And the memorandums in the diary are in your own handwriting?

1422 A. Yes.

Q. And made contemporaneously at the time of the transaction reflected in there?

A. That is correct.

Q. And kept by you in the regular course of your business?

A. As Special Investigator, that is right.

Mr. Ward: Now, we will introduce these reports, if Your Honor please, for the purpose of rebutting some evidence which the defense has offered. We will only refer to that part, Mr. Stewart, which we claim rebuts it.

(Witness excused.)

WILLIAM J. CAMPBELL, called as a witness on rebuttal on behalf of the Government, being first duly sworn, was examined, and testified as follows:

*Direct Examination by Mr. Ward.*

Q. What is your name?

A. William J. Campbell.

Q. You are the present United States District Attorney for the Northern District of Illinois?

A. I am.

Q. And do you know the Defendant, Daniel D. Glasser?

A. I do.

Q. Do you recall the time—you can answer this yes or no— Do you recall the time when Daniel D. Glasser appeared before the United States Grand Jury and heard evidence and returned the indictment in this case?

A. I do.

Q. At that time did you, preceding Mr. Glasser, enter the Grand Jury Room to testify as a witness, have a conversation with him in which you used the following language?

“Dan, I knew you were going into the Grand Jury Room this morning, and I thought I would go in and put in a good word for you. I want to tell that Grand Jury there was nothing in your official conduct which would require Grand Jury investigation.”

And Mr. Glasser said: “Thank you.”

Did you make that statement?

A. I had a conversation with him—

Q. Did you make that statement?

A. I did not.



Mr. Ward: Cross-examine.

Mr. Stewart: Now, Your Honor, we had this discussion in chambers, and the record doesn't show our talk there, is it Your Honor's ruling that on cross-examination I am limited to what he just stated now?

The Court: That is all.

Mr. Stewart: Because if I am not, I would like to go into other matters to show which is most likely true—

The Court: No, you are limited to it.

Mr. Stewart: If I am so limited, there is no cross-examination.

Mr. Ward: That is all, Mr. Campbell.

(Witness excused.)

(Whereupon documents marked EXHIBITS 217 to 225 inclusive, were offered and received in evidence.)

Thereupon both parties again rested their case.

Thereupon the defendants by their counsels, at the close of all the evidence, entered their respective motions for a directed verdict of not guilty, which motions for a directed verdict of not guilty were, after arguments by counsel, overruled and denied, to which denial of the court the defendants, by their counsels, duly excepted.

The motion of the defendant, Alfred E. Roth, for a directed verdict of not guilty, at the close of all the evidence, being in words and figures as follows:

1424 IN THE DISTRICT COURT OF THE UNITED STATES

For the Northern District of Illinois,

Eastern Division,

At Chicago.

The United States of America }  
  *vs.* } No. 31825.  
Daniel D. Glasser, *et al.* }

MOTION OF ALFRED E. ROTH, ONE OF THE DEFENDANTS HEREIN, FOR A DIRECTED VERDICT OF NOT GUILTY OF THE INDICTMENT HEREIN AT THE CLOSE OF ALL THE EVIDENCE.

Now comes Alfred E. Roth, one of the defendants herein, at the close of all the evidence and moves the Court to direct a verdict of not guilty on Count 2 of the indictment herein, on the following grounds:

1. The indictment charges a conspiracy to solicit certain persons to make promises—there is no proof of any solicitation by or on behalf of this defendant or payment of any money to or by or on behalf of this defendant for any unlawful purpose.

2. The Bill of Particulars does not allege the solicitation of or payment to or by this defendant of any money for any purpose and there is no proof of any solicitation of or payment to or by this defendant of any money for any unlawful purpose.

3. There is a fatal variance between the allegations of the indictment and the proof.

4. The evidence is insufficient in law to sustain a conviction.

5. There is no competent evidence in the record to justify submitting the case to the jury.

6. The evidence fails to establish an agreement with this defendant and any other defendant or co-conspirator to commit the offenses charged.

7. There is no evidence of any act of any co-defendant or co-conspirator nor any independent evidence showing this defendant to be a party to the alleged conspiracy.

8. The existence of the alleged conspiracy has not been established.

9. The evidence is consistent with innocence.

Alfred E. Roth.

Thereupon the defendant, Alfred E. Roth, moved to strike and exclude the testimony of Alexander Campbell which motion was joined in by all the defendants and which motion the court overruled and denied upon the objection of the United States Attorney, to which ruling the defendants duly excepted. That the said motion described being in words and figures as follows:

1426 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

**MOTION OF ALFRED E. ROTH TO STRIKE AND EXCLUDE THE TESTIMONY OF ALEXANDER CAMPBELL.**

Now comes Alfred E. Roth, and moves the Court to strike and exclude from this cause the testimony of Alexander Campbell introduced on behalf of the prosecution on the following grounds:

1. That the conversation testified to by the said Alexander Campbell with the defendant Alfred E. Roth are not declarations made in pursuance of the alleged common object of the alleged conspiracy.

2. That the conversations testified to by the said Alexander Campbell with the defendant Alfred E. Roth is not part of the execution of the alleged plan of the alleged conspiracy.

3. That the fact that the said Alfred E. Roth is indicted and one of the defendants in this cause adds nothing to the competence of the conversations testified to by the said Alexander Campbell.

4. That the fact that the defendant Alfred E. Roth had a conversation as testified to by the said Alexander Campbell where it is claimed that the said Alfred E. Roth told the said Alexander Campbell something allegedly relevant to the alleged conspiracy does not make the conversation testified to competent.

5. That the conversation testified to by Alexander Camp-

bell does not implicate the said Alfred E. Roth in the alleged conspiracy.

6. There is no independent proof connecting the said Alfred E. Roth with the alleged conspiracy.

1427 7. That the testimony of the said Alexander Campbell is concerning a transaction not related to the alleged conspiracy.

8. There is no connection with the alleged conspiracy and the transaction involving the case of United States *vs.* Edward Wroblewski and William Wroblewski in the Northern District of Indiana, concerning which transaction said Alexander Campbell testified.

9. The matter concerning the case of United States *vs.* Edward Wroblewski and William Wroblewski in the Northern District of Indiana concerning which the said Alexander Campbell gave testimony is wholly collateral to the issue in the alleged conspiracy.

10. That as neither guilty knowledge or intent is an issue in this cause the testimony of the said Alexander Campbell is clearly inadmissible.

11. That the testimony of the said Alexander Campbell is highly prejudicial and does not tend to prove any issue in this cause.

12. That the Bill of Particulars setting forth the causes, persons and places involved so that the defendants might be prepared to meet the particulars alleged, does not set forth the case of the United States *vs.* Edward Wroblewski and William Wroblewski in the Northern District of Indiana.

Alfred E. Roth.

Thereupon Mr. McGreal and Mr. Ward, on behalf of the Government, made their closing argument to the court and jury.

Thereupon the respective counsel representing the defendant made their closing arguments to the court and jury.

Thereupon the court charged the jury.

1428 Thereupon at to-wit 3:30 o'clock P. M. on March 7, 1940, the jury retired to deliberate.

Thereafter after continuous deliberation at to-wit, 7:30 o'clock A. M. on March 8th, 1940, the said jury returned a verdict finding the defendants, Daniel D. Glasser, Norton I. Kretske, Anthony J. Horton, Louis Kaplan, and Alfred E. Roth, guilty as charged in the second count of the indictment.

Thereupon the defendants, by their counsels, entered a motion for a finding of not guilty notwithstanding the verdict and a motion for a new trial which were entered and continued to April 22, 1940.

Thereafter on April 22nd, 1940, arguments of counsel on said motions were heard by the court, and taken under advisement, until April 23, 1940.

Thereafter on April 23, 1940, the court overruled the motions of the defendants for findings of not guilty notwithstanding the verdict to which ruling of the court the defendants, by their counsels, duly excepted.

Thereupon the defendant, Daniel D. Glasser, filed his three affidavits in support of his motion for a new trial, and in arrest of judgment, which affidavits are in words and figures as follows:

1429 IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* (Caption—31825) \* \*

" AFFIDAVIT.

State of Illinois }  
County of Cook } ss.

Daniel D. Glasser, being on oath first duly sworn deposes and says that he is a defendant in the case entitled United States versus Daniel D. Glasser, et al., being case No. 31825 of the District Court of the United States for the Northern District of Illinois, Eastern Division.

Affiant further states that one of the principal cases relied on by the Government in the above entitled cause was one implicating the defendant, Louis Kaplan, in connection with the operation of a still by him and Victor Raubunas and others on South Western Avenue in Chicago, Illinois, and referred to at the trial as the Western Avenue still case, a copy of the report in this case was read and given to the jury.

Affiant further states that the complaint of the Government in the Western Avenue still case was that this affiant as Assistant United States Attorney withheld information from the Grand Jury and as a result thereof the defendant Louis Kaplan was no-billed.

Affiant further states that his position at the trial was

that the Government had insufficient proof in law and in fact to present to the Grand Jury on the Western 1430 Avenue still case and that therefore the Grand Jury action was correct.

Affiant further states that on December 15th, 1939, a complaint was requested of the United States Commissioner by the United States Attorney for this District charging the defendant Louis Kaplan with complicity in the operation of the Western Avenue still, which complaint was issued and on which the defendant Kaplan gave bond and which case was continued from time to time thereafter, until subsequent to the trial of this affiant, and then on motion of the United States Attorney dismissed. The Commissioner's file is made part hereof by reference.

Daniel D. Glasser,

*Affiant.*

Subscribed and sworn to before me this 22nd day of April, A. D. 1940.

Elbert A. Wagner, Jr.,

*Notary Public.*

1431 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

### AFFIDAVIT.

State of Illinois }  
County of Cook } ss.

Daniel D. Glasser, being on oath first duly sworn deposes and says that he is a defendant in the case entitled United States versus Daniel E. Glasser, et al., being case No. 31825 of the District Court of the United States for the Northern District of Illinois, Eastern Division.

Affiant further states that one of the witnesses for the Government in the trial of the aforementioned case was Victor Raubunas, a convicted felon, brought from his place of incarceration to testify in said cause, said Victor Raubunas having been convicted in the District Court for the Northern District of Illinois, Eastern Division, on July 19, 1939 and sentenced to the custody of the Attorney General for confinement in a penitentiary for three years.

Affiant further states that said Victor Raubunas subsequent to his conviction and while in custody, gave a state-



ment to the Government on to wit July 27, 1939 in which said statement no mention or reference is made either directly or indirectly to affiant.

Affiant further states on information and belief that after giving said statement the said Victor Raubunas was taken to the penitentiary at Leavenworth, and in approximately five weeks returned to Chicago, interrogated frequently, and finally taken before the September 1939 Grand Jury, which was then investigating the case in which this 1432 affiant was later indicted.

Affiant further states on information and belief that the said Victor Raubunas testified before the said Grand Jury that he had seen this affiant outside the United States Courthouse in Chicago on but two occasions in his life and that both of these occasions were between January 1st and June 1st, 1938, and once on Kedzie and Ogden Avenue in Chicago, and once on Kedzie and Douglas Boulevard in Chicago, at both of which times the witness testified this affiant met the defendant Louis Kaplan, which this affiant states was and is not true. All of which was brought to the attention of affiant after verdict.

Affiant further states that although the said Victor Raubunas testified before the September 1939 Grand Jury and the indictment was returned on September 29, 1939, the witness Victor Raubunas was kept at the county jail in Chicago, Illinois, until subsequent to the giving of a third statement by him on to wit October 20, 1939.

Affiant further states on information and belief that the witness Victor Raubunas was brought from the penitentiary at Leavenworth pursuant to a writ of habeas corpus, ad testificandum, for the purpose of obtaining his testimony before the Grand Jury, and that although the testimony of the said Victor Raubunas was given in one day he, the said Victor Raubunas, was kept at the county jail in Chicago, for forty-four days, and that frequently after testifying before the Grand Jury he was brought to the office of the United States Marshal for this district in the United States Courthouse in Chicago, and there interrogated by Government agents, trying to work up a case against this affiant.

Affiant further states that subsequent to the giving of the third statement by the witness, Victor Raubunas, on to wit October 20, 1939, he, the said Victor Raubunas, was not taken back to the penitentiary at Leavenworth, but was incarcerated at the penal farm at Milan, Michigan,

from where he was brought to testify on the trial 1433 of this affiant.

Affiant further states that on the trial of the cause first above referred to, the said Victor Raubunas testified on to wit February 16, 1940, that he had seen this affiant meet the defendant Louis Kaplan on three occasions, all in 1936, and all at the corner of Kedzie and Douglas Boulevard in Chicago, which this affiant states was and is not true, and all at times when the witness, Victor Raubunas, was engaged in the illicit manufacture of un-taxpaid distilled spirits.

Affiant further states that the testimony of Victor Raubunas was the only testimony offered by the Government which tended to show that this affiant knew the defendant Louis Kaplan.

Affiant further states on information and belief that the testimony of the witnesses on the trial was at variance with the testimony the same witnesses had given before the Grand Jury, to the prejudice of this affiant. All of which comes to this affiant's knowledge after verdict.

Affiant further states that as to those matters herein stated to be on information and belief, he believes are true.

Daniel D. Glasser,

*Affiant.*

Subscribed and sworn to before me this 22nd day of April, A. D. 1940.

Elbert A. Wagner, Jr.,

*Notary Public.*

1434 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

### AFFIDAVIT.

State of Illinois }  
County of Cook } ss.

Daniel D. Glasser, being on oath first duly sworn deposes and says that he is a defendant in the case entitled United States versus Daniel D. Glasser, et al., being case No. 31825 of the District Court of the United States for the Northern District of Illinois, Eastern Division.

Affiant further states that on to wit January 26, 1940 there was summoned by the United States Marshal for said

district for petit jury service 100 persons consisting of 47 females and 53 males, whose names had theretofore been drawn from a box by the jury commissioners of said division and district, which said box was supposed to contain the names of qualified persons indifferently selected, but which box as a matter of fact contained the names of females who were not indifferently selected but on the contrary were selected because the said jury commissioners deemed them possessed of an additional qualification not contemplated by law and which limited the body of citizenship from which jurors could be selected.

Affiant further states that said summons was returnable before the Honorable William H. Holly, one of the judges of said court from which group of persons so summoned the petit jury for the February 1940 term of said court was selected, and from members of which, the petit jury in the above entitled cause was selected.

1435 Affiant further states on information and belief that all the names of the females placed in the box were presented to the clerk of said court, who is one of the jury commissioners, by the Illinois League of Women Voters, which list had previously been prepared by said league of women voters from their membership.

Affiant further states on information and belief that the persons selected by said league for presentation to the clerk aforesaid had previously been required to and did attend jury classes maintained for the purpose of giving instructions to potential jurors.

Affiant further states on information and belief that female persons otherwise qualified and eligible for jury from the box, to the end that no woman could become a service were deliberately and systematically excluded member of the panel or venire unless she was a member of the Illinois League of Women Voters, and had attended jury classes whose lecturers presented the views of the prosecution. It is therefore more than a coincidence that members of the Illinois League of Women Voters were given preference over others.

Affiant further states that the facts above stated to be on information and belief were received by him after reading an article published in the American Bar Association Journal, Volume 26, No. 4—April, 1940, issue, which said article came to the attention of this affiant on or about April 8, 1940, which was subsequent to the verdict in the

aforementioned case, and which article is attached hereto and made part hereof by reference.

Affiant further states that had the facts above stated been known to him or his counsel prior to the selection of the jury in the case above referred to the jurors would have been interrogated along lines which would have shown their prejudice and for which reasons the defense would have exercised challenges for cause.

1436—Affiant further states that because of the above he did not have a trial by a jury free from bias, prejudice and prior instructions, and as a result thereof the said jury was disqualified and this affiant's rights were prejudiced in that he was deprived of a trial by jury guaranteed to him by the laws and constitution of the United States of America, and particularly the 5th and 6th amendments, all of which he offers to prove.

Affiant further states on information and belief that the Illinois League of Women Voters attempted to have the jury commissioners of Cook County, Illinois, place in the box for selection for jury service only the names of those females who had attended the jury classes, and were members of the Illinois League of Women Voters, but which attempt failed, for the reason that the jury commissioners of Cook County deemed such a selection invalid.

Affiant further states that the matters herein stated on information and belief, he believes are true.

Daniel D. Glasser,  
*Affiant.*

Subscribed and sworn to before me this 22nd day of April, A. D. 1940.

Elbert A. Wagner, Jr.,  
*Notary Public.*

## 1437 ARTICLE OF AMERICAN BAR JOURNAL REFERRED TO IN AFFIDAVIT OF DANIEL D. GLASSER OF APRIL 22, 1940.

## Woman and the Law.

## Ladies and Gentlemen of the Jury:

These are merely the impressions of one unimportant woman juror who served four weeks on a petit jury in the Federal Court of the Northern District of Illinois. It does not pretend to be an expert discussion of court procedure, and it will have served its purpose if it succeeds in presenting the impressions made on a layman by the administration of justice.

It was February first when I responded with enthusiasm to the summons of the United States Marshal, calling me to serve on the February venire of the petit jury. I had seen the good natured fun poked at the woman jurors by the Chicago Bar Association in its "Christmas Spirits," and had read the numerous stories in the press about juries being "manned" by women. My enthusiasm was composed of an interest in taking a personal part, no matter how small, in the administration of justice, and a sneaking desire to vindicate my sex.

When I arrived in the jury room at the appointed hour I found about seventy-five other people had responded to the same summons. With one exception, the women were all members of the League of Women Voters, who had been recommended by that organization at the invitation of the court. They were all women of education and intelligence, who through their connection with the League had become greatly interested in the problems of government. The men had apparently been chosen at random. There were two chemists, a telephone man, a tavern keeper, several small business men, three laborers, a railroad detective, and others more difficult to classify.

## 1438

## Jury Sworn In.

We all felt very important, and at the same time somewhat humble, when we were sworn in by the whitehaired judge whose name is known and loved by everyone in Chicago. Having taken the oath, the venire was divided.

I went to the court where the Government was to prosecute five defendants for "fixing" bootlegging cases. The court was filled with well-known bootleggers, and other people who, although not so well known, looked like the bootleggers and gangsters of the movies. When my turn came to be examined, I will have to admit that I walked into the jury box somewhat confident and excited. I did not know then, as I do now, how many prospective jurors are excused, especially in criminal cases, for all kinds of reasons. My father is a lawyer and I thought I knew how to conduct myself in court so that I would be accepted at once. I soon found that I was not so smart as I thought I was, for the District Attorney looked me over from head to foot, went into a huddle with his associates, and after a few routine questions, to my great disappointment, excused me!

The next ten days, those of us who had been rejected in this case appeared very promptly and sat around the jury-room most of the day, hopefully at first, impatiently at last. Cases seemed to be continually settled out of court, postponed, or tried by a judge. But we had to come anyhow, to be ready for emergencies. The constitutional right of jury trial, which seemed very fine at first, became very boring at last, as we sat around playing cards, knitting, or talking to the Deputy Marshal. The latter told us that the chief difference between men and women jurors was that the former sat around waiting for something to happen, while the women sat around asking when something was going to happen. For this arduous labor we were all paid \$4.00 per day. The men took 1439 it philosophically, but the women spent a great deal of time trying to think of some way to prevent what seemed to be such a waste of time and money.

### A Case at Last.

On the 11th day we were summoned to serve on a damage case. One of the lawyers was very much prejudiced against the League of Women Voters and, before he examined any of us, spent about ten minutes telling the women to forget all they had learned about the duties of jurors. All the information we had, had been given us by members of the Bar Association and distinguished judges, but he seemed to think that the less we knew the better. This



was the first time that this idea had been brought out into the open, but we thought we had noticed it in the rejection of jurors in the case referred to above. After several jurors had been excused, the panel was finally completed. It consisted of six men and six women.

The damage case proved very interesting. It resulted from an automobile accident in which three young girls had been killed, and three others badly injured. The plaintiffs, the defendants, and the witnesses were all typical of the kind that are found in small towns all over this country. Their honesty, sincerity, and self-respect were obvious to all. Their interest and respect for the court were also apparent. This case, like the bootleg case I referred to above, in reality was six cases in one, as is possible under the new rules of civil procedure in the Federal Courts. We found that hearing the six cases at the same time, gave us a much better picture of the whole thing in spite of the fact that there was too much repetition of the same details by the different defense lawyers.

Having seen the take-off of women jurors at the Bar Association, I was very much amused to see that the 1440 lawyers were in reality very conscious of the fact that there were women in the jury box. They showed it in several ways. One of them appeared in a different suit every day with a different collar and a shirt of brilliant hue. We finally got to betting amongst ourselves what we would wear the next day! They all seemed to feel that women knew little of the hard realities of life and the law, and might be swayed by the fact that the plaintiffs were children. I wonder what they would have thought if they had known that when the case finally reached the jury, the women, instead of being influenced by their emotions and feeling sorry for the children, felt that they should all have been spanked!

### **Trial Tactics.**

I was also interested in the clever way in which the different lawyers managed to extract the information they desired from unwilling witnesses, in spite of the objections, often sustained by the judge, and I couldn't help wondering whether jurors were supposed to be made of stone when they were told to disregard certain things. There was continual bickering among the lawyers, alter-

nated with excessive sarcastic politeness towards each other, which seemed to consume a lot of unnecessary time. The men on the jury all looked on this as part of the game, however, but the women did not regard the trial of a case as a sporting event, and were always pleased when the judge called the lawyers to order, as he frequently did.

Another thing that interested me was the attempt to discredit the character of witnesses, and to confuse them, or make them state the accuracy of certain facts, such as the speed of a car, where it was manifestly impossible to do so. In this particular case all of the witnesses, the plaintiffs, and the defendants (most of them children) were of such obvious honesty that attempts to discredit their personal character disgusted the jury. I couldn't help but think it too bad for these young people to be disillusioned by the unfair treatment some of them received and I was very glad when the judge reprimanded one of the lawyers severely. When finally the attorneys summed up the evidence we all felt that there was too much repetition, and that it would have been much better if one of the lawyers for the defense had made the summary for all, as was done for the plaintiffs. As in all such cases there was contradictory evidence, and what seemed contradictory interpretations of evidence. The judge, however, gave us such excellent instructions as to what the law bearing on the case was, that we really felt that this was the most valuable part of the whole proceeding. Finally on the ninth day we got the case and returned our verdict, agreeing to it on the first ballot.

Having done this, again we sat around for ten days, receiving \$4.00 a day for playing bridge, knitting, and talking. A few of us were called to serve on what seemed unimportant cases. The rest of us, after being dismissed for the day, spent as much time as possible visiting other courts in the building. Some of the cases were given a directed verdict by the judge, and should never have been brought into court. This made us wonder whether there could not be some system adopted to settle more cases out of court. We also got to speculating whether there could not be some better system of calling the venires. For example, there was one man on a certain venire who could neither read nor write, and could speak very little English.

### Jurors Take "Busman's Holiday".

One day we visited the bootleg case referred to above. Several men now serving terms in prison had testified to having cases "fixed" by the defendants. They were followed on the witness stand by three distinguished judges of the Federal Court, who had known two of the defendants during the time they were accused of accepting bribes. These judges testified that the defendants 1442 were men of good reputation. We wondered just what effect this was supposed to have on the jury, and just what the value of character witnesses was. In this case, did the defense expect anyone to believe that the judges would have known of any such deals made by the accused? In our inexperience it seemed that the defendants certainly would not have divulged any such plans to the judges.

Some of us had visited the municipal courts in Chicago. As we went around to the different courts in the Federal Building we could not help but see the greater prestige and dignity in the latter as compared to the former. The federal judges presided with great dignity and pride over their courts, and were apparently men of legal attainments themselves. To our untrained eyes, they seemed to command a great deal more respect than the judges in the municipal courts, who are nominated by political organizations. We noticed also that in most cases the Federal District Attorney's assistants conducted their cases in a more efficient manner than the State's Attorney's assistants. This in turn seemed to put the lawyers more on their mettle, resulting in better preparation on their part.

### Suggestion to Men Lawyers.

When the final day came, and I was handed a voucher for nearly a hundred dollars, I felt a decided let-down. Life would seem very tame for awhile, but I knew that my real richness was not in the money I received, but in the broadening of my experience and point of view. I had only one regret. I wished lawyers would treat women jurors as human beings. They seemed to think that our point of view and our way of thinking was peculiar to our sex. In reality our ideas are determined by our experience, and on the whole do not differ very much from those

of men. We are no better and no worse, and we prefer to be judged on our merits rather than our sex.

L. T. S.

1443 Thereupon the defendant, Alfred E. Roth, filed his two affidavits in support of his motion for a new trial, and in arrest of judgment, which affidavits are in words and figures as follows:

1444 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

AFFIDAVIT OF ALFRED E. ROTH.

State of Illinois }  
County of Cook } ss.

Alfred E. Roth being first duly sworn upon his oath, deposes and says that on or about April 10, 1940, he had a conversation with Daniel D. Glasser, at which time the said Daniel D. Glasser, informed this affiant that the female jurors impanelled to try the case of the United States *vs.* Daniel D. Glasser, et al., were selected from a list made up by the Illinois Women Voters League to the exclusion of all other females; that this was the first knowledge he had that the female jurors that were impanelled to try the case of the United States *vs.* Daniel D. Glasser, et al., were selected from the said list to the exclusion of all other females; that based upon the statements made to him by the said Daniel D. Glasser, as set forth in the affidavit of Daniel D. Glasser, filed in this cause this affiant was deprived of a trial by jury, as guaranteed by the laws and the constituted of the United States.

Alfred E. Roth.

Subscribed and sworn to before me this 22nd day of April, A. D. 1940.

Albert Healy Werner,  
Notary Public.

1445 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

AFFIDAVIT OF ALFRED E. ROTH IN SUPPORT OF  
MOTION FOR A NEW TRIAL.State of Illinois }  
County of Cook } ss.

Alfred E. Roth, being first duly sworn upon oath, deposes and says that he is one of the defendants in the above cause, that on the day the said cause was submitted to the jury, court convened at 9:00 O'clock A. M., that the said cause was submitted to the jury for consideration at about 3:30 O'clock P. M., and that they deliberated continuously throughout the night until the following morning at about 7:30 O'clock A. M. when they returned their verdict, and that during their deliberations the bailiff in charge of the jury entered the jury room on a number of occasions, and this affiant is uninformed as to the reasons therefore, and what took place therein.

Affiant further states that he was informed by a male member of the jury that he did not hear all the instructions and along about midnight the said juror heard one of the jurors ask for instructions while the bailiff was in the jury room talking to the foreman, and that the bailiff waved the said juror down with his hand, that the said juror also stated to this affiant that he was sick and vomiting and lying on the floor on his overcoat and was exhausted, that he had arisen at the hour of 5:30 A. M. O'clock at his home in Lake Zurich, to be able to report at Court at 9:00 A. M. on the day the jury received the case to deliberate, and that he requested that he be able to retire for the night while the bailiff was in the jury room along about midnight, and that his request was denied, and that he further stated that he and several male jurors conversed between themselves and stated that the Government would not indict the defendants and go to that expense if they did not do something, all of which he stated he is ready and willing to testify to in Court, and that another male juror stated to this affiant that he did not hear all the instructions and particularly did not hear an instruction to the effect that where all the evi-

dence is susceptible of two inferences, one of innocence and one of guilt the jury must adopt the innocent inference.

Alfred E. Roth,  
*Affiant.*

Subscribed and sworn to before me this 23rd day of April, A. D. 1940.

Albert Healy Werner,  
*Notary Public.*

1446 Thereupon the defendants filed the following motion in arrest of judgment:

IN THE DISTRICT COURT OF THE UNITED STATES.

\* \* (Caption—31825) \* \*

MOTION OF ALL THE DEFENDANTS HEREIN,  
JOINTLY AND SEVERALLY TO ARREST THE  
JUDGMENT HEREIN.

Now come the defendants, Daniel D. Glasser, Norton I. Kretske, Anthony Horton, Louis Kaplan, and Alfred E. Roth, jointly and severally and move the court to arrest the judgment on the second count of the indictment herein for reasons as follows, separately and severally considered:

1. That the second count of said indictment does not sufficiently state an offense against the United States under the laws and constitution of the United States.

2. That there is a fatal variance between the allegations of the indictment and the proof.

Daniel D. Glasser,  
Norton I. Kretske,  
Anthony Horton,  
Louis Kaplan,  
Alfred E. Roth.

1447 Thereupon on to-wit, April 23, 1940, the court overruled and denied the motions of the defendants for a new trial.

Thereupon on to-wit, April 23, 1940, the court overruled and denied the motions of the defendants in arrest of judgment.



To which denial of the motion for a new trial and the denial of the motion in arrest of judgment the defendants, by their counsel, duly excepted.

Thereupon the defendant, Anthony J. Horton, was sentenced to the custody of the Attorney General to be confined in a penitentiary for a period of one year and one day, said sentence being suspended and the defendant Horton being placed on probation for a period of two years.

Thereupon the defendant, Alfred E. Roth, was sentenced to pay a fine of \$500.00.

Thereupon the defendant, Louis Kaplan, was sentenced to the custody of the Attorney General for confinement in a penitentiary for fourteen months.

Thereupon the following proceedings took place:

1448 The Court: Now, Kretske, Glasser and Kaplan.

Mr. Kretske: I have nothing to say except I am innocent. I have never been in conspiracy with Mr. Glasser. Never asked him to do anything; never gave him anything. I only had a few cases with Mr. Roth. That's the extent of my interest in this matter.

The Court: What explanation have you to offer for the \$3500 for this fellow Nick Abosketus?

Mr. Kretske: The first time I heard this was on the witness stand, believe me.

The Court: I recall very clearly that this Brantman took the stand, and I gave the defense from Friday until Monday to check up on this matter and you wanted them to cross-examine. He came here and on direct examination you testified that . . . was—you didn't know much of him except that he was a fixer of the Capone syndicate and others.

Mr. Kretske: I had learned that since.

The Court: And then on cross-examination you had to admit that you were rather closely allied with that man.

Mr. Kretske: Oh, no, Your Honor.

The Court: Had him appointed as auditor.

Mr. Kretske: No. I recommended him.

The Court: What is that?

Mr. Kretske: Recommended him.

The Court: Any lawyer of honor or standing who has any regard for his obligations, you recommended a  
1449 man that you believed—

Mr. Kretske: I didn't know that at that time. That was over a year and a half ago, Your Honor. And

as far as cross-examination, Mr. Stewart conferred about it and he seemed to think that Mr. Abusketus straightened that matter out entirely to the court's satisfaction, and the jury's satisfaction.

1450 The Court: Anything you want to say, Mr. Glasser?

Mr. Glasser: Your Honor has asked Mr. Kretske what he has to say about three thousand dollars.

The Court: Thirty-five hundred.

Mr. Glasser: Or thirty-five hundred. I read over Abusketus' testimony and Mr. Brantman's testimony. Your Honor will remember Brantman said he didn't know me and Abusketus didn't know me and one thing more. Your Honor may remember that Bailey testified that somebody out at the County Jail told us that Nick Abusketus rented that farm or told him to rent it and Your Honor may remember when I was on the stand and I kept saying I don't remember that, if Bailey will show me his report or if you will show me Bailey's report it might refresh my recollection. I had a reason to ask that because I couldn't remember and I knew as Your Honor said, if anybody had said at the County Jail that Abusketus had rented that farm Bailey would have gone to his office and made such a report and he would show me that report. The only thing they showed me was Bailey's little diary which said, "Went to the County Jail with Glasser to-day". If Your Honor has any questions you want to ask me about any particular case I would be glad to answer them.

The Court: Yes, I will.

Mr. Glasser: I will appreciate it.

Mr. Stewart: I didn't believe Brantman because  
1451 I feel, I felt Brantman was put in the middle himself.

Mr. Ward used a great big transcript. They had that man in custody and if there is any reflection to be cast upon—against Kretske because I didn't cross-examine him I want to tell Your Honor the reason. You see, Your Honor did what Federal Judges have the power to do and you cross-examined him. To use an expression we use, very expressive, he was so much in the middle, he feared the Government and he knew what they wanted and he went on there. I was about to cross-examine. He was in the jurisdiction of the court. He could have said to anybody anything, you know. I thought it was better to leave him alone but if there is one thing you would like to have—

The Court: I think you used good judgment when you didn't cross-examine him.

Mr. Stewart: Yes and the reason I did, I don't want that to reflect on the client.

The Court: I understand.

Mr. Stewart: It was not because I was afraid I couldn't show he was lying. I was afraid he would be telling worse lies and it would be worse as far as he is concerned if my client rested on him. I think Your Honor will agree with me that's a racket around here. They get moneys up on futures. Somebody might have some money up to get Horton on probation and something like that, that's a racket. That's all that was.

The Court: He made a trip to Milwaukee?

A. Yes, sir.

1452 The Court: What business did you have going to Milwaukee?

Mr. Glasser: Judge Igoe—

The Court: To serve a process of this court?

Mr. Glasser: Yes, I did.

The Court: Are you a deputy marshal?

Mr. Glasser: Your Honor took exception to what I stated on the stand. I went up there on the order of my superior, Judge Igoe so testified he sent me up there. If you will look at the transcript you will find it. That's the first thing. I was sent up there.

The Court: What could you accomplish that the United States Marshal could not accomplish?

Mr. Glasser: Here is what I could accomplish. Your Honor does not evidently understand the way these things happen.

The Court: I think I can. Go ahead.

A. Let me explain it because when I was on the stand you said to me, do you think the United States Marshal was crooked? No, I don't. I didn't know nothing about it but I did know about Barney Cloonan. I had been hearing,—don't ask me where I had been hearing—because I can't tell you, but all of the time I had been hearing of it. We called Barney Cloonan from Judge Igoe's office. We said, how about this particular old man, Kansensbach, and it has since come to my attention that a file in my office will show a letter to the United States Attorney in Milwaukee which says, we are enclosing a returned bench warrant which we are handing to Cloonan and Cloonan 1453 was supposed to take it to the Marshal in Milwaukee.

We waited for weeks and for a long time—

The Court: Who is Cloonan?

Mr. Glasser: A special investigator for the Alcohol Tax office.

The Court: Why couldn't you mail it?

Mr. Glasser: They did it in all the other cases here. The Alcohol Tax agent as soon as the indictment is returned goes out and locates the defendant. That's the way they do it all of the time. Cloonan says, give me the warrant. I'll take it to Milwaukee. I'll go to Waupan with the Marshal because I know the fellow, Kansensbach, and I'll bring it in. Take it in. Why should we trust him? Just as you say the Judges trusted me. We gave it to him and we waited and waited and he never showed up and we had been hearing rumors about Cloonan and Abusketus and Judge Igoe called me in and said, you go to Milwaukee. He testified to that from the stand. If Your Honor thinks there was anything crooked it was not on my part and I can assure you not on Judge Igoe's part.

The Court: The record is full of testimony you would not deliver the evidence to the grand jury.

Mr. Glasser: I think one thing is very important for Your Honor to know and that's the Western Avenue 1454 case. You remember Frank Campbell got on the stand and wanted to say what Frank Hill said and you sustained the objection and they read the report to the jury. In the Western Avenue case the grand jury rightly and truly no billed Kaplan. How did I prove it? I proved it by the thing I filed yesterday.

The Court: What is the name of the man you tried to make out was non compos mentis?

Mr. Glasser: Joe Cole.

The Court: You took him to the grand jury and took him out.

Mr. Glasser: That's right.

The Court: That man was up here on the witness stand and there was nothing in the testimony to indicate that to me.

Mr. Glasser: If Your Honor wants to base your sentence on that and that only—

The Court: Well, that's one—

Mr. Glasser: If Your Honor will say, "Glasser, I'll base my sentence on that case, on the question whether that man is non compos mentis" I'll take that chance and take the supreme penalty.

The Court: I saw that man on the stand.

Mr. Glasser: You know the man—he is now suffering—

The Court: That's only one of the items. You withheld testimony from that grand jury that resulted in the indictment of these men that were later indicted and were convicted.

1455 Mr. Glasser: Nobody was ever indicted and convicted that I no billed.

The Court: There were men here who should have been prosecuted.

Mr. Glasser: Nobody was indicted and convicted that I no billed. I had the outstanding record in the United States. There were eighteen assistants in the office of the United States Attorney here and that little contemptible liar, Morgan, testified I disposed of 907 out of 4100. I disposed of 25% of the work of the office.

The Court: Why do you refer to him as a contemptible liar?

Mr. Glasser: Because he is a contemptible liar. He said I recommended Ekstone which proved nothing, had no probative value, but one of the newspaper men wanted to show that—

The Court: How do you approve your personnel record?

Mr. Glasser: How do I approve my personnel record? A month before I left the office, not as one of the papers said in order to get a job, a month before I left the office our new United States Attorney sent through this thing. February of 1939 and I was requested—I had my request to resign in March. He sent through this business of a personnel record. When I got it I gave it to Miss McGarry.

The Court: What you gave Miss McGarry she wrote out on the typewriter exactly as you gave it to her.

Mr. Glasser: Do you think I would say to her LLD?

The Court: This—that woman has been in this 1456 service how many years? 35 years. Don't try and stand before the court and try to put a blemish on that fine immaculate woman. That doesn't help you any.

Mr. Glasser: I would not do that.

Mr. Stewart: We all make mistakes.

Mr. Glasser: What about that? That's not an academic degree—

The Court: That contained that item how many years you attended various universities.

Mr. Glasser: I don't think so.

Mr. McGreal: That exhibit stated Mr. Glasser attended Loyola University from 1922 to 1925.

Mr. Glasser: As a matter of fact, I attended for a year or a year—

The Court: I asked you how long did you attend the university.

Mr. Glasser: A year or a year and a half, I don't remember.

The Court: What other university did you attend?

Mr. Glasser: DePaul.

The Court: How long were you there?

Mr. Glasser: I was there I think about a year.

The Court: I asked you on the witness stand and you said you studied in some law office.

Mr. Glasser: That's right.

The Court: I asked you the name of the lawyer and you couldn't remember.

1457 Mr. Glasser: I still can't remember it.

The Court: Any man who would give me an opportunity to study law in his office, I don't think I would ever forget that.

Mr. Glasser: I know the man very well.

The Court: No need of discussing of this matter. I am satisfied without any question of your guilt.

Mr. Glasser: Are you satisfied I took any money in this case, Judge?

The Court: Yes, I am.

Mr. Glasser: That's very fine, because the Government said—

The Court: I am satisfied that you did.

Mr. Glasser: Fine.

Mr. Stewart: You are not admitting it, are you?

Mr. Glasser: Not at all, not at all.

Mr. Stewart: All right.

Mr. Glasser: I say I am not guilty.

The Court: I am satisfied.



1458 IN THE DISTRICT COURT OF THE UNITED STATES  
OF AMERICA.

• • (Caption—31825) • •

### STIPULATION AS TO EXHIBITS.

It Is Hereby Stipulated and Agreed by and between the parties hereto that all the original physical exhibits introduced on behalf of the United States, and all the original physical exhibits introduced on behalf of all the defendants on the trial of the above cause, be and the same are hereby ordered, certified and sent by the Clerk of this Court to the Circuit Court of Appeals for the Seventh Circuit.

It Is Hereby Further Stipulated and Agreed that the said exhibits be and the same are by reference incorporated in and made a part of the bill of exceptions in said cause.

It Is Further Stipulated and Agreed that the originals of any or all of the exhibits in this case whether reproduced in or omitted from the Record, may be produced upon the argument of this appeal, and may be referred to by the parties hereto upon the argument and in their briefs, with the same force and effect as though printed in full in the Transcript of the Record.

Daniel D. Glasser,  
Norton I. Kretske,  
Alfred E. Roth.

1459

William J. Campbell, (M.U.)  
*United States Attorney for the North-  
ern District of Illinois, Attorney for  
the United States.*

1460 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

STIPULATION.

It Is Hereby Stipulated by and between the parties hereto, that the defendants use page references in lieu of quotations of full substance of evidence admitted or rejected in the preparation of Assignment of Errors.

It Is Hereby Further Stipulated, that in preparing the Assignment of Errors in this cause, the page references used, in lieu of quotations of the full substance of evidence admitted or rejected, be by page reference to the printed transcript of record; that the original Assignment of Errors filed in this cause may be filed without such page references being incorporated therein and that such page references may be added to the Assignment of Errors when a page proof of the transcript of record is available from the printer.

Dated this 19th day of June, A. D. 1940.

William J. Campbell,  
*United States Attorney.*  
Daniel D. Glasser,  
Norton I. Kretske,  
Alfred E. Roth,  
*Defendants.*

1461 IN THE DISTRICT COURT OF THE UNITED STATES.

• • (Caption—31825) • •

ORDER.

Pursuant to Stipulation entered into by and between the United States of America, plaintiff, and Daniel D. Glasser, Norton I. Kretske and Alfred E. Roth, defendants;

It Is Hereby Ordered that the defendants use page references in lieu of quotations of full substance of evidence admitted or rejected in the preparation of Assignment of Errors.

It Is Hereby Further Ordered that in preparing the

Assignment of Errors in this cause, the page references used, in lieu of quotations of the full substance of evidence admitted or rejected, be by page reference to the printed transcript of record; that the original Assignment of Errors filed in this cause may be filed without such page references being incorporated therein and that such page references may be added to the Assignment of Errors when a page proof of the transcript of record is available from the printer.

Dated this 27th day of June, A. D. 1940.

Enter:

Patrick D. Stone,  
*Judge.*

1462 Thereupon the court sentenced the defendant, Daniel D. Glasser, to be committed to the Attorney General for confinement in the penitentiary for fourteen months.

Thereupon the court sentenced the defendant, Norton I. Kretske, to be committed to the Attorney General for confinement in the penitentiary for fourteen months.

Which is all the evidence offered and received and all the proceedings had on the trial of the above entitled cause.

Now, in furtherance of justice, and that right be done, the defendants, Daniel D. Glasser, Norton I. Kretske, and Alfred E. Roth, present this, their Bill of Exceptions, and pray that the same may be settled, allowed, and certified by the court and made a part of the record in this cause, as provided by law.

Daniel D. Glasser,  
Norton I. Kretske,  
Alfred E. Roth,  
*Defendants.*

Approved:

William J. Campbell,  
*United States Attorney.*  
Martin Ward,  
*Asst. U. S. Atty.*

1463 JUDGE'S CERTIFICATE TO BILL OF  
EXCEPTIONS.

I, the undersigned United States District Judge, do hereby certify that the foregoing Bill of Exceptions contains all the material facts, matters, things, proceedings, rulings, and exceptions thereto occurring upon the trial of said cause, and not heretofore a part of the record herein, including all evidence adduced at the said trial, and I hereby settle and allow the foregoing Bill of Exceptions as a full, true and correct Bill of Exceptions in this cause, and order the same filed as part of the record herein, and further order the Clerk of this court to transmit the said entire Bill of Exceptions to the Circuit Court of Appeals for the Seventh Circuit.

I hereby certify that where the evidence in the Bill of Exceptions consists of questions and answers, the same are necessary to clearer and fuller understanding of the questions to which they relate and a proper understanding of the questions presented.

Patrick D. Stone,  
*United States District Judge.*

Dated this 27th day of June, 1940.

